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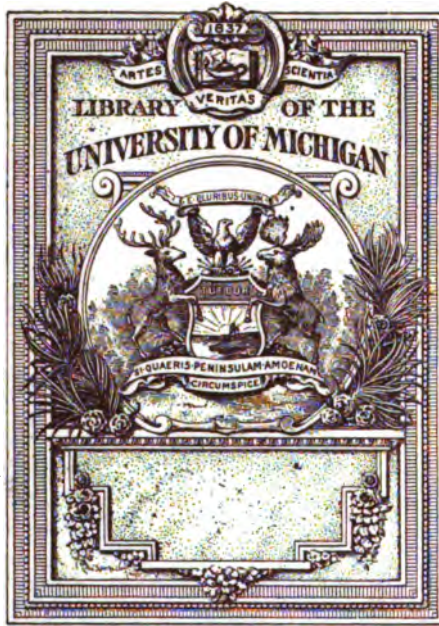
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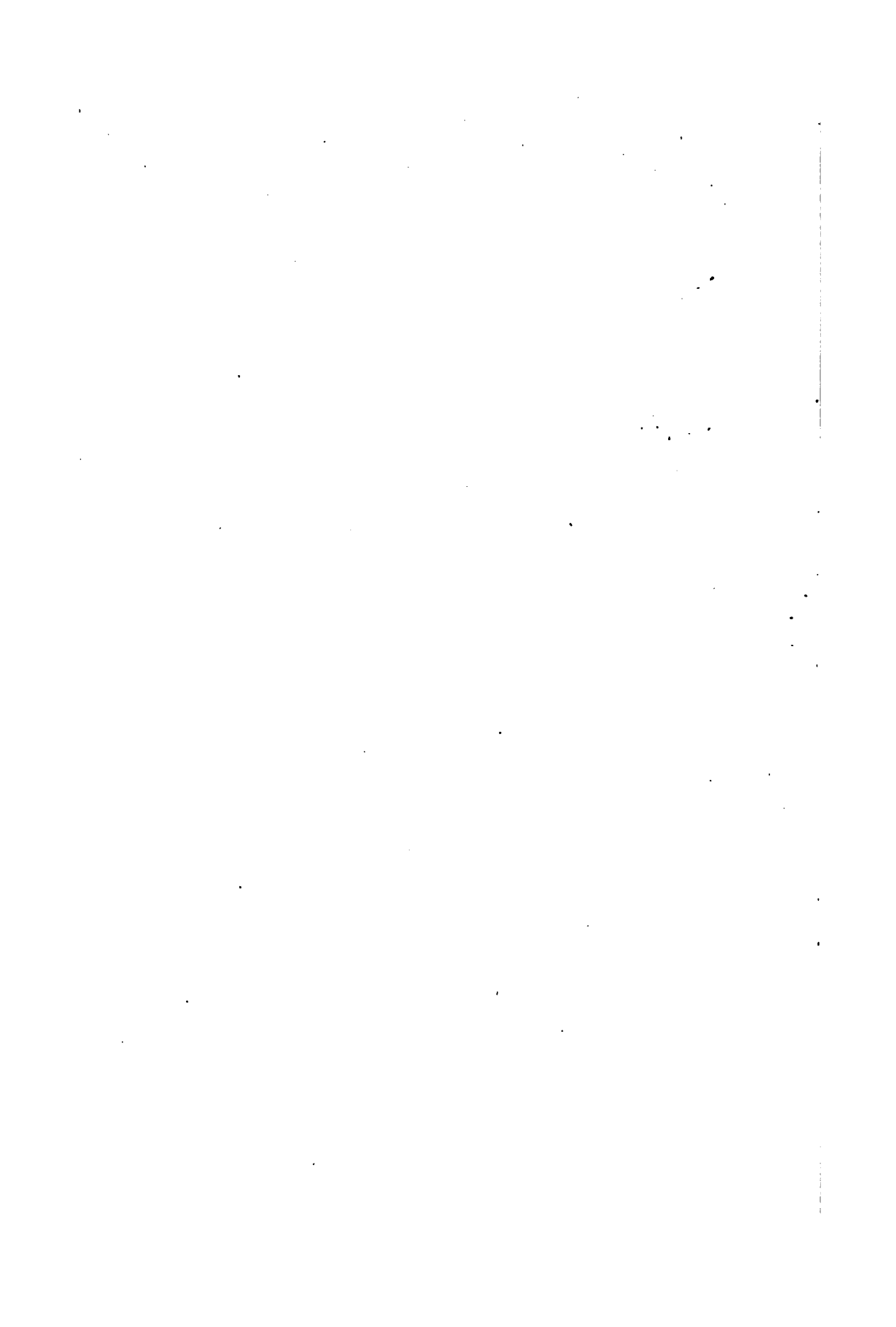
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HOUSE JOURNAL

OF THE

TENTH SESSION

OF THE

Legislative Assembly

OF THE

STATE OF MONTANA

Convened at Helena, the Capital of said State, on the Seventh
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Seventh Day of March, A. D. 1907.

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HOUSE OF REPRESENTATIVES.

NAME.	Politics	County	Postoffice Address
Allen, W. R.	Rep.	Deer Lodge.	Anaconda.
Barbour, G. H.	Rep.	Lewis and Clark.	Helena.
Beckwith, A.	Rep.	Ravalli.	Hamilton.
Bennet, A. J.	Rep.	Madison.	Virginia City.
Benneits, T. J.	Rep.	Silver Bow.	Centerville.
Blake, H. N.	Rep.	Deer Lodge.	Anaconda.
Blewett, John.	Dem.	Carbon.	Fromberg.
Boorman, B. J.	Rep.	Flathead.	Kaliispell.
Brewster, G. W.	Rep.	Rosebud.	Birney.
Brownlee, Robert.	Rep.	Sweet Grass.	Malville.
Burke, Ed.	Dem.	Deer Lodge.	Anaconda.
Cambell, Don.	Rep.	Silver Bow.	Butte.
Cameron, A. A.	Rep.	Gallatin.	Bozeman.
Cato, O. C.	Dem.	Custer.	Miles City.
Corby, J.	Rep.	Silver Bow.	Butte.
Cluston, William.	Dem.	Cascade.	Great Falls.
Cummings, T. A.	Rep.	Chouteau.	Fort Benton.
Cutler, J.	Rep.	Silver Bow.	Butte.
Decker, Alf.	Rep.	Beaverhead.	Red Rock.
Duncan, M. M.	Rep.	Madison.	Virginia City.
English, G. B.	Rep.	Deer Lodge.	Anaconda.
Farmer, J. H.	Rep.	Lewis and Clark.	Helena.
Fisher, R. F.	Dem.	Deer Lodge.	Anaconda.
Gerber, P. H.	Rep.	Missoula.	Missoula.
Goff, O. S.	Rep.	Chouteau.	Havre.
Greene, A. C.	Rep.	Fergus.	Greene.
Gray, A. H.	Rep.	Cascade.	Great Falls.
Griffin, P. H.	Rep.	Powell.	Sunset.
Harbordt, Eugene.	Rep.	Cascade.	Great Falls.
Hardin, G. W.	Rep.	Meagher.	White Sulphur Springs.
Hess, Gus H.	Rep.	Silver Bow.	Butte.
Hyndman, A.	Rep.	Madison.	Sheridan.
King, E. W.	Rep.	Gallatin.	Bozeman.
Kirwan, E. D.	Dem.	Cascade.	Great Falls.
Kroger, Walter W.	Rep.	Granite.	Philipsburg.
Leighton, I. A.	Rep.	Jefferson.	Boulder.
Logan, E. A.	Rep.	Flathead.	Whitefish.
Longstaff, F.	Dem.	Deer Lodge.	Anaconda.
Manchester, P. H.	Rep.	Silver Bow.	Butte.
Marshall, T. C.	Rep.	Missoula.	Missoula.
Maxwell, D. C.	Rep.	Dawson.	Glendive.
Miles, C. A.	Dem.	Ravalli.	Hamilton.
Miller, C. B.	Rep.	Lewis and Clark.	Helena.
Miller, H. J.	Rep.	Park.	Livingston.
Moore, W. E.	Rep.	Granite.	Philipsburg.
Morgan, F. C.	Rep.	Missoula.	Missoula.
Morris, A. A.	Rep.	Yellowstone.	Billings.
McDonald, G. C.	Rep.	Silver Bow.	Butte.
McMann, J. F.	Rep.	Silver Bow.	Butte.
Macaulay, A.	Rep.	Silver Bow.	Butte.
O'Connor, J. E.	Dem.	Broadwater.	Canton.
Patten, T. M.	Rep.	Valley.	Glasgow.
Potter, S. L.	Rep.	Teton.	Shelby.
Powers, R. E.	Dem.	Silver Bow.	Butte.
Root, Moses.	Rep.	Lewis and Clark.	Canyon Creek.
Ross, S.	Rep.	Missoula.	Missoula.
Scallon, William.	Rep.	Silver Bow.	Butte.
Seidler, Henry.	Rep.	Cascade.	Great Falls.
Selway, E. O.	Rep.	Beaverhead.	Dillon.
Shaw, Leon.	Rep.	Lewis and Clark.	Helena.
Sherman, J. J.	Dem.	Meagher.	White Sulphur Springs.
Swindlehurst, T. M.	Dem.	Park.	Livingston.
Thompson, E. J.	Rep.	Sanders.	Heron.
Thompson, Rufus.	Rep.	Fergus.	Lewistown.
Towers, C. B.	Rep.	Custer.	Miles City.
Tudor, W. A.	Rep.	Gallatin.	Bozeman.
Walker, L. A.	Rep.	Silver Bow.	Butte.
Warren, F. R.	Dem.	Jefferson.	Whitehall.
Weed, E. D.	Rep.	Lewis and Clark.	Helena.
Wendel, John.	Rep.	Lewis and Clark.	Helena.
Whiteside, Fred.	Dem.	Flathead.	Kaliispell.
Wilder, C. A.	Dem.	Broadwater.	Townsend.
Wilham, V. E.	Dem.	Jefferson.	Clancy.

NATHAN GODFREY, Chief Clerk.

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STATE SENATORS.

NAME.	Politics	County	Postoffice Address
*Albright, Jacob.....	Rep.....	Madison.....	Virginia City.....
*Annin, J. B.....	Rep.....	Yellowstone.....	Columbus.....
Bielenberg, J.....	Rep.....	Powell.....	Deer Lodge.....
*Cardwell, Edward.....	Dem.....	Jefferson.....	Jefferson Island.....
*Cowgill, William.....	Rep.....	Teton.....	Choteau.....
*Donlan, Ed.....	Rep.....	Missoula.....	Missoula.....
*Edwards, J. E.....	Rep.....	Rosebud.....	Forayth.....
*Everett, T. M.....	Rep.....	Chouteau.....	Harlem.....
*Fairbanks, Charles E.....	Rep.....	Sanders.....	Plains.....
Glidden, Samuel.....	Dem.....	Carbon.....	Bridger.....
Harper, W. W.....	Rep.....	Deer Lodge.....	Anaconda.....
*Haviland, W. H.....	Dem.....	Silver Bow.....	Butte.....
*Long, T. D.....	Dem.....	Flathead.....	Kalispell.....
Martien, Charles.....	Dem.....	Lewis and Clark.....	Helena.....
*Metz, George.....	Rep.....	Granite.....	Phillipsburg.....
Miles, A. W.....	Rep.....	Park.....	Livingston.....
*Muffy, C. S.....	Dem.....	Broadwater.....	Winston.....
McCarthy, J. C.....	Dem.....	Gallatin.....	Bozeman.....
McCone, George.....	Rep.....	Dawson.....	Glendive.....
McDonnell, Charles.....	Rep.....	Sweet Grass.....	Melville.....
McLean, Kenneth.....	Rep.....	Custer.....	Miles City.....
*Rae, H. M.....	Rep.....	Fergus.....	Gilt Edge.....
*Romney, Miles.....	Dem.....	Ravalli.....	Hamilton.....
*Sanders, James.....	Rep.....	Cascade.....	Great Falls.....
Tooley, Clarence.....	Rep.....	Meagher.....	Two Dot.....
*Truscott, J. L.....	Dem.....	Valley.....	Glasgow.....
White, B. F.....	Rep.....	Beaverhead.....	Dillon.....

* Holdovers, Elected 1906.

H. K. HOWRY, Secretary.

INDEX TO HOUSE BILLS

No.	TITLE OF ACT.	PAGE.
1	A bill for an Act entitled "An Act to create and establish a Board of Railroad Commissioners for the State of Montana: Providing for the appointment and election of members thereof and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.".....	10, 12, 46, 90, 162, 163, 165, 241, 242, 244, 367, 8, 9, 370, 380, 386.
2	A bill for an Act entitled "An Act to create the Thirteenth Judicial District of the State of Montana to be composed of the counties of Yellowstone and Carbon, and providing for the election of a judge thereof."....	11, 12, 48, 49, 69, 71, 80, 123, 236.
3	A bill for an Act entitled "An Act to prevent the fraudulent sale of Maple Sugar and Cider Vinegar.".....	11, 12.
4	A bill for an Act entitled "An Act to prevent the adulterations and the sale of unwholesome foods and poisons."	11, 12.
5	A bill for an Act entitled "An Act authorizing the County Commissioners to vacate lots, streets and alleys in village plats when such village shall be abandoned and such lots, streets and alleys shall cease to be used for public purpose.".....	15, 16, 73, 116, 117, 132, 138, 200, 220, 221, 237.
6	A bill for an Act to amend Section 1012 of the Political Code of the State of Montana relative to the time within which public officers shall file their oaths of office."	15, 16, 42, 54, 59, 65, 70, 123, 236.
7	A bill for an Act entitled "An Act to amend Section 2211 of Title VII of Chapter I of Part III of the Code of Civil Procedure of the State of Montana, as amended by Senate Bill No. 104 of Sixth Legislative Assembly, approved March 7th, 1899, relating to the rights of Eminent Domain.".....	15, 16, 47, 62, 71, 80, 136, 140, 162, 217, 237.
8	A bill for an Act to amend Section 4 of "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens and Special Deputy Game and Fish Wardens and defining their powers and duties and providing for their compensation, approved March 18th, 1901, and to provide for the licensing of resident and non-resident sportsmen and	

No.	TITLE OF ACT.	PAGE-
	hunters; to fix the prices on shipping permits; to furnish the State Game and Fish Warden with a clerk; to classify packers as guides; to provide for the disposition of moneys in the Fish and Game Fund; and to provide penalties for the violation of the provisions of this Act, which became a law without the Governor's approval on March 2nd, 1905, by a lapse of time, and to provide that all bona fide residents of this State may fish in the streams thereof without first obtaining a license therefor.".....	16, 16, 413, 499.
9	A bill for an Act entitled "An Act to create a Highway Commission for the State of Montana, and define the powers and duties of same (additional to Chapter IV, Part III, Title III, of the Code relating to the Agricultural College" of Montana.".....	19, 20, 199, 300, 321, 325, 343, 611.
10	A bill for an Act entitled "An Act to amend Sections 443 and 449 of the Political Code of Montana, and to provide further regulations for the safe keeping and management of public funds in the hands of the State Treasurer, and to increase his official bond and provide for the payment of the premium thereon.".....	19, 20, 46, 353, 454, 496, 512, 525, 624, 625, 626, 645, 677.
11	A bill for an Act entitled "An Act to amend Section 4367 of the Political Code of Montana as amended by Chapter 5 of the Laws of 1905, and Section 4788 of the same Code, relating to the deposit and control of public moneys in the possession of County and City Treasurers, and to provide for the payment of interest on such deposits of public money and for the furnishing of official bonds by such officers signed by surety companies, and for the payment of premiums thereon.".....	19, 20, 46, 167, 354, 490, 518, 561, 635, 652, 659.
12	A bill for an Act to repeal an Act entitled "An Act to provide for assistants for the office of Attorney General and fix the salaries thereof," approved March 9th, 1901; and to provide for the appointment of two Assistant Attorneys General and a stenographer for the Attorney General's office and to fix the salaries thereof."	19, 20, 71, 125, 175, 189, 196, 206, 296, 310, 329.
13	A bill for an Act entitled "An Act to create the thirteenth judicial district of the State of Montana to be composed of the counties of Yellowstone and Rosebud, to change the boundaries of the Seventh Judicial District of said State to conform thereto, and to provide for the appointment of a judge for such thirteenth judicial district."	19, 20, 48, 49, 69, 71, 80, 123, 236.
14	A bill for an Act entitled "An Act to provide for the	

INDEX TO HOUSE BILLS

VII

No.	TITLE OF ACT.	PAGE.
	reimbursement of Judges sitting in place of disqualified judges."	19, 20, 42, 54, 59, 65, 70, 129, 131, 236.
15	A bill for an Act entitled "An Act to amend Section 260 of the Code of Civil Procedure, relating to the drawing of juries and the time at which they are required to attend Court.".....	19, 20, 82, 99, 115, 126, 130, 200, 220, 221, 237.
16	A bill for an Act to amend Section 448 of the Political Code of the State of Montana relating to the publication of the State Treasurer's Report.....	19, 20, 29, 49, 165, 185, 196, 207, 318; 506.
17	A bill for an Act entitled "An Act for the submission to the qualified electors of the State of Montana for their approval or rejection of an Amendment to Section 6. Article 13 of the Constitution of the State of Montana, relative to the indebtedness of Cities.".....	23, 39, 48, 83, 90, 115, 126, 130, 140, 141, 145.
18	A bill for an Act to amend Section 770 of the Penal Code of the State of Montana, relating to the safe keeping and disposition of public moneys.".....	30, 31, 355, 445, 495, 504, 508, 649, 654, 669, 670, 679.
19	A bill for an Act entitled "An Act to authorize the construction of a hospital building at the Montana State Soldiers Home. To provide for a heating plant for the heating of all buildings at said Montana State Soldiers Home including said hospital building. To provide for the improvement of the cemetery grounds and the erection of a Central Monument in said cemetery of the Montana State Soldiers Home. To appropriate money for all of said purposes.....	30, 31, 53, 83, 84, 176, 251, 270, 285, 298, 541, 573, 574, 629.
20	A bill for an Act prohibiting deductions for depreciation from any cause after loss, and adding a section to be numbered 3504 to Division III, Part IV, Chapter IX. of the Civil Code of Montana, relating to loss of property insured.".....	18, 30, 31, 479.
21	A bill for an Act entitled "An Act to amend Sections 580 and 581 of part three, Chapter three, Title one of the Political Code of Montana, providing for the office of Inspector of Mines.".....	30, 31, 53, 87, 134, 338, 445, 495.
22	A bill for an Act entitled "An Act to create a disability fund in cities and towns of the State of Montana where there is an established paid fire department, for the benefit of firemen disabled in the line of duty; authorizing cities and towns to levy an annual tax for the maintenance thereof; providing for the organization, government and control thereof, and providing penalties for any violation thereof; and to repeal Sections	

No.	TITLE OF ACT.	PAGE.
	8 and 9 of House Bill No. 17 of the Session Laws of 1899 of Montana, entitled "An Act to provide for the organization, government and control of a fire department for cities and towns, regulating appointments thereto and providing for creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds therein;" approved March 7th, 1899; and to repeal Chapter CXIII of the Session Laws of 1903, of Montana relating to the payment of taxes received from fire insurance companies, corporations and associations doing business in the State of Montana, to the maintenance of fire departments, approved March 7th, 1903.....	30, 31, 106, 159, 183, 189, 224, 238, 376, 397, 412, 421, 463, 563, 591.
23	A bill for an Act entitled "An Act making effective the Initiative and Referendum provisions of Sec. II of Art. 5, as amended of the Constitution of the State of Montana, and regulating elections thereunder, and providing penalties for violations of the provisions of this Act."	31, 99, 125, 308, 320, 333, 336, 463, 516, 517, 569.
24	A bill for an Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of State or Life Diplomas and the issuance of Temporary State Certificates.".....	31, 32, 99, 115, 126, 130, 144.
25	A bill for an Act to provide for fire escapes from hotels, lodging houses and rooming houses, and providing for the violation thereof."	31, 32, 134.
26	A bill for an Act entitled "An Act to prevent livestock running at large in the public lanes and highways."..	35, 36, 78, 79.
27	A bill for an Act entitled: An Act to provide for the designation of an estray paper, and to provide for the publishing of estray notices in the same.".....	35, 36, 79.
28	A bill for an Act entitled "An Act to amend Section 2945 of the Political Code relating to butchers.....	35, 36, 79.
29	An Act to appropriate moneys for the payment of mileage and per diem of the members of the Tenth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof."	35, 36, 49, 51, 60, 62.
30	A Bill for an Act entitled "An Act requiring all railroad companies in the State of Montana to stop all regular passenger trains at each county seat located on the line of said roads in the State of Montana, and providing penalties for violation thereof.....	35, 62, 99, 115, 126, 130, 236, 259, 376.

INDEX TO HOUSE BILLS

IX

No.	TITLE OF ACT.	PAGE.
31	A Bill for an Act entitled An Act to protect the owners of horses and to cause the inspection of the same.....	35, 36, 79.
32	A Bill for an Act to provide for the inspection of cattle to be removed from the State of Montana.....	35, 36, 54, 83, 87, 98, 113, 195, 198, 237.
33	A Bill for an Act entitled: "An Act relating to the number of deputies allowed county Auditors in Counties of the first class, and fixing the compensation of the same."	35, 36, 84, 392.
34	A Bill for an Act entitled "An Act approved March 5th, 1903, entitled "An Act relating to the granting of franchises by cities and towns and providing a submission of the question of granting any franchise to the resident free holders whose names shall appear on the City or County tax roll preceding such election," and providing for the extension of franchise under certain conditions."	35, 36, 213, 300, 321, 325, 334, 417, 484.
35	A Bill for an Act entitled "An Act to amend House Bill No. 143 of the Sessions Acts of the Seventh Legislative Assembly of the State of Montana of the year 1901, being an Act entitled An Act to amend Section Thirty-two, Title One, Part One, Chapter Four of the Code of Civil Procedure and to provide for an additional judge for the Second Judicial District of the State of Montana, and to provide for an additional Judge for the Fourth Judicial District of the State of Montana."	35, 36, 167, 225, 243, 247, 257, 419, 421, 495, 496, 501, 521, 576, 611.
36	A Bill for an Act entitled: "An Act to amend Section 2441 of the Penal Code relating to witnesses in criminal actions.	35, 36, 105.
37	A Bill for an Act to require paddle wheels or screens to be placed in all ditches and canals for the protection of fish.....	35, 36, 126, 175, 212, 239, 259, 272, 287, 295, 340, 341, 496, 608.
38	An Act to enable the State of Montana to purchase 500 maps for State and School purposes.....	35, 36, 101, 126, 157, 238.
39	A Bill for an Act entitled, "An Act authorizing city and town Councils to provide for and regulate the inspection and measuring of gas and of electric light and power."	36, 54, 71, 204, 241, 247, 257, 470, 485, 569.
40	An Act to amend Sections 11, 20 and 27 of House Bill No. 145, passed by the Eighth Legislative Assembly of the State of Montana, approved March 2, 1903, relating	

No.	TITLE OF ACT.	PAGE.
	to public highways and to repeal Sections 13 and 19 of said Act.....	36, 199.
41	A Bill for an Act entitled "An Act to provide for apportionment of Membership and Representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana and to fix the number of Members thereof.".....	36, 72, 116, 117, 145.
42	A Bill for an Act entitled "An Act to create a Board of Police Commissioners in cities having more than twenty-five thousand inhabitants; defining the powers and duties of said Commission and fixing their terms of office and compensation.".....	39, 206, 290, 307, 447.
43	A Bill for an Act entitled "An Act appropriating money for the completing, furnishing and equipping of the building for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana, and for the fittings and furnishings of the Industrial Building and Gymnasium for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana and for the erection and equipment of an additional building for hospital and other purposes at said Institution and also for the farm connected with the said Montana School for the Deaf and Blind at Boulder, Montana.".....	43, 44, 216, 300, 321, 345, 541, 573, 574, 629.
44	A Bill for an Act entitled "An Act to authorize the construction, furnishing and equipment including plumbing, and architects fees, at the Montana Soldiers' Home, at Columbia Falls. To provide for the heating plant for the heating of all buildings at said Soldiers' Home, including said Hospital Building. To provide for the improvement of a cemetery ground and the erection of a Central Monument in said Cemetery, of Montana Soldiers' Home, and appropriating money therefor.".....	43, 44, 176, 251, 270, 285, 298, 446, 541, 573, 574, 629.
45	A Bill for an Act entitled An Act to provide for the creation and organization of irrigation districts. To provide for the election of three directors in each district, defining the duties and powers of such directors and fixing their compensation. To authorize the issuance of bonds and fixing the duration, character and form of said bonds, and making said bonds a lien upon the particular lands for the irrigation of which said bonds are issued. Providing for the assessment of land in such irrigation districts for the payment of the principal and interest of said bonds and for the administration expenses of said irrigation districts and the maintenance of all irrigation works in such district. To provide for the equalization of all district assessments by the directors of said districts. To provide for appeals from all decisions of the directors of irrigation districts. Making the County Treasurer in the Coun-	

INDEX TO HOUSE BILLS

XI

No.	TITLE OF ACT.	PAGE.
	ties where such districts are organized the custodian of all funds and securities belonging to such districts. Providing for the sale of lands for delinquent assessments and the manner in which the same may be redeemed. To provide for the extension of such irrigation districts and the adjustment and payment of all differences between the old and new portion of such districts. To provide for the sale of water by any one district to any other district and fixing the manner and form of payment therefor and the manner in which differences between such districts shall be adjusted. Making and declaring the construction of all irrigation works to be a public use and granting right of way therefor over State lands, and exemption of all such irrigation works from taxation.".....	43, 44, 62, 77, 78, 106, 132, 156, 176, 265, 269, 308, 320, 325, 470, 533, 534, 569.
46	A Bill for an Act entitled "An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties; providing for appointment of assistants, appropriating money for expenses, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.".....	43, 44, 90, 162.
47	A Bill for an Act making it a misdemeanor for any State officer, Board of Trustees, Managers, or Commissioners to contract any liability or indebtedness in excess of the amount appropriated by law for such office or institution except for the Asylum for Insane and Penitentiary and prescribing penalties therefor.".....	45, 46, 126, 251, 266, 274, 281, 376, 391, 484.
48	A Bill for an Act entitled "An Act giving to lessors of farm lands, a lien upon the crops grown upon the leased premises for the rent of such premises.....	45, 46, 105, 157, 184, 204, 238, 364.
49	A Bill for an Act appropriating money for the purchasing and erecting a bronze tablet in the main hall of the capitol to the memory of Captain James Williams.	45, 46, 98, 126, 157, 162, 174, 256, 273, 277, 329.
50	A Bill for an Act entitled "An Act to repeal Sections 535 and 536 of the Penal Code of the State of Montana, and to enact other sections in lieu thereof.	45, 46, 55, 83, 87, 193, 265, 325, 448, 475, 487, 564, 591, 629.
51	A Bill for an Act entitled "An Act to appropriate moneys for the payment of mileage and per diem for the Members of the Tenth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof.".....	45, 46.
52	A Bill for an Act to amend Section One of an Act en-	

No.	TITLE OF ACT.	PAGE.
	titled "An Act to create the County of Sanders, designate its boundaries, and provide for its organization and government, approved February 7, 1905.....	45, 46, 117, 157.
53	A Bill for an Act regulating the granting of new trials in Civil and Criminal proceedings.....	45, 46, 54.
54	A Bill for an Act entitled "An Act to provide for the appointment of a State Veterinary Medical Examining Board, describing their powers and duties and regulating the practice of Veterinary medicine within the State of Montana."	45, 46, 127, 184, 188, 190, 214, 497, 634, 661, 668, 676.
55	A Bill for an Act entitled "An Act authorizing the payment of certain claims for bounty and appropriating money from the State Bounty Fund for the payment thereof."	45, 46, 83, 88, 98, 114, 195, 198, 237.
56	A Bill for an Act entitled "An Act to limit the hours of employment of persons engaged in the operation of railroad trains, limiting the hours of labor of telegraph operators, trick (train?) despatchers, express messengers, and fixing the penalties for violation of this Act. Exempting co-employees from assuming any liability by reason of working with fellow employees who may be employed in violation of this Act and making all persons, corporations or companies violating this Act liable for all damage resulting therefrom.".....	95, 46, 53.
57	A Bill for an Act entitled "An Act amending Section 2041 of Art. II, Part II, Title VII, of the Political Code of the State of Montana, relating to the recording of marks and brands and providing a charge for such services.".....	49, 363, 446, 499, 504, 508, 597.
58	A Bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators and agents acting as operators, and to provide penalty for the violation thereof.".....	49, 53, 54, 69, 71, 80, 152, 156, 162, 237.
59	A Bill for an Act authorizing county commissioners of each county to annually levy a special tax of six-tenths of one mill on the dollar upon the assessed value of all property in the county to raise revenue for the special funds known as the "State Bounty Fund", "Sheep Inspection and Indemnity Fund", "Stock Inspector and Detective Fund", "and "Stock Indemnity Fund;" to provide for the appointment of said special tax to said special funds and for the control, use and disposition of said funds; and to repeal sections 2990, 3016 and 3076 of the Political Code, together with all amendments to each of said sections and to repeal section 27 of Chapter 45 of the Laws of 1905.....	49, 79, 116, 117, 133, 274.
60	A Bill for an Act entitled "An Act to repeal Sections 4060,	

INDEX TO HOUSE BILLS

XIII

No.	TITLE OF ACT.	PAGE.
	4061, 4064, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4078, 4079, 4080, 4081 and 4082 of the Political Code relating to licenses of certain trades and occupations."	55, 194.
61	A Bill for an Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Reform School."	55, 56, 72, 83, 86, 136, 147, 147, 237.
62	A Bill for an Act making appropriation for the incidental expenses of the Tenth Legislative Assembly of the State of Montana.....	55, 56, 71, 83, 87, 136, 147, 237.
63	A Bill for an Act appropriating money for the payment of deficiency claims of the Public Printing for expenses incurred	55, 56, 83, 88, 96, 200, 221, 237.
64	A Bill for an Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans Home at Twin Bridges, Montana.....	55, 56, 83, 88, 96, 195, 198, 237.
65	A Bill for an Act appropriating money for the erecting and equipping of additional buildings for the State Orphans' Home at Twin Bridges, Montana, and for the construction of a sewerage system in connection with same	55, 56, 225, 243, 247, 257, 497, 506, 507, 560.
66	A Bill for an Act entitled "An Act concerning the taxation of real estate encumbered by mortgage, deed of trust, contract or other evidence of indebtedness."....	55, 56, 161, 249.
67	A Bill for an Act to appropriate money for the payment of the deficiency claim of Mitchell and Mussigbrod for the care of patients of the Insane Asylum for the year 1906.	55, 56, 126, 157, 162, 256, 273, 277 329.
68	A Bill for an Act to repeal Sections 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2990 and 2991 of the Political Code of the State of Montana and to repeal House Bill No. 147, Session Laws of the Seventh Legislative Assembly providing for the appointment of a State Game and Fish Warden and Special Deputy Game and Fish Warden, and to repeal Chapter Fifty-seven, Session Laws of 1905 relating to Fish and Game licenses, and to provide for the appointment of Stock and Game Inspectors, defining their duties and providing for their compensation, and to provide for the licensing of non-resident hunters, and penalties for the violation of Stock and Game Laws.....	66, 68, 247, 336, 408.
69	A Bill for an Act entitled "An Act authorizing the payment of certain claims for bounty and appropriating money from the State Bounty Fund for the payment thereof."	66, 68, 69.
70	A Bill for an Act appropriating money for the payment	

No.	TITLE OF ACT.	PAGE.
	of deficiency claims of the State Encampment of 1905 of the National Guard of Montana.....	66, 68, 69, 90, 99, 115, 126, 131, 200, 220, 221, 237.
71	A Bill for an Act appropriating money for the payment of certain deficiency claims in connection with the State Auditor's office.....	66, 68, 69, 90, 95, 98, 114, 152, 162, 237.
72	A Bill for an Act appropriating money for the payment of certain deficiency claims in connection with the State Examiner's office.....	66, 68, 69, 95, 96, 98, 114, 152, 162, 237.
73	A Bill for an Act entitled, "An Act to provide for the filing of transcripts of judgments from the Circuit and District Courts of the United States Ninth Circuit District of Montana, with the District Court Clerk of any county in this state, and when so filed such judgment to become a lien upon all real property of the judgment debtor not exempt from execution in such county, owned by him at the time.".....	66, 68, 104, 157, 184, 196, 207, 296, 310, 329, 385.
74	A Bill for an Act entitled, "An Act to authorize the erection and equipment of a building at the Montana Agricultural College and Experiment Station at Bozeman, Montana, for the use of the Departments of Agriculture, Horticulture, Animal Husbandry, Veterinary, and Domestic Science, and making an appropriation therefor.".....	67, 68, 174, 193, 267, 271, 285, 298, 541, 559.
75	A Bill for an Act entitled "An Act to amend Sections 3860 and 3866 of the Political Code of the State of Montana as the same are now in force after amendment by an Act entitled, "An Act to amend Section 3866 of Article II, Chapter VIII of the Political Code of Montana, relating to the collection of property taxes," approved March 7th, 1899, and also to amend Section 3867 of said Political Code, relating to the time the County Treasurer must attend at the office of the County Clerk with the duplicate assessment book to be there compared with the original, and to amend an Act entitled, "An Act to amend Section 3873 of the Political Code of the State of Montana, relating to the publication of delinquent taxes and to make the same more explicit, approved February 28th, 1901, and to provide a different time for the payment of property taxes.".....	66, 78, 117.
76	A Bill for an Act to provide for the incorporation, management and regulation of mutual companies for the insurance of the property of the members against loss or damage by fire or the elements.....	67, 78, 217.
77	A Bill for an Act creating the Fourteenth Judicial District of the State of Montana to be composed of the County of Ravalli, and providing for the appointment of a Judge thereof.....	67, 78.
78	A Bill for an Act entitled, "An Act to authorize, em-	

INDEX TO HOUSE BILLS

XV

No.	TITLE OF ACT.	PAGE.
	power and direct the Board of Trustees of the Montana State Reform School at Miles City, Montana, to finish and complete the construction and furnishing of the Girls' building at said Montana State Reform School; also to authorize, empower and direct the construction and furnishing of a hospital building at said Reform School and to appropriate money for all of said purposes."	67, 78, 166, 220, 290, 325, 344, 497, 516, 517.
79	A Bill for an Act entitled, "An Act to amend Sections 1990 and 3290 of the Political Code, relating to Arbor Day."	67, 78, 104, 157, 186, 196, 207, 256, 273, 277, 329.
80	A Bill for an Act entitled, An Act to amend Sections 9 and 10 of Article II, Sections 17, 18 and 25 of Article II, Sections 29, 30 and 32 of Article IV, Section 35 of Article VI, Sections 44, 47, 48 and 50 of Article VII, Section 52 of Article VIII, and Section 62 of Article IX, and to repeal Section 8 of Article II, and Section 53 of Article VII of Chapter 44 of the Session Laws of 1903, approved March 2, 1903, and to repeal Sections 1, 2, 3, 4, and 5 of Chapter 76 of the Session Laws of 1905, approved March 3, 1905.....	67, 78, 212, 325, 388, 408, 425, 521.
81	A Bill for an Act entitled, "An Act to empower the City Council, or Corporate Authorities of any City, Town or Village, to regulate the rates and charges to be allowed corporations, or individuals for furnishing water, gas, or electricity to any such city, town or village, or the inhabitants thereof, and to fix the maximum rates therefor."	67, 68, 195, 300, 321, 332, 359, 463.
82	A Bill for an Act to amend Sections 2505 and 2506 of the Civil Code of the State of Montana, relating to Inn Keepers.	67, 68, 107, 147, 176, 196, 208, 327, 361, 395, 459, 506, 507, 569.
83	A Bill for an Act to establish County Free High Schools and to provide for their maintenance, and repealing "An Act to establish County Free High Schools, and provide for their maintenance," approved March 3, 1899, and repealing an Act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 19 and to repeal Sections 21 and 22 of Substitute for House Bill No. 69, An Act to establish County Free High Schools and to provide for their maintenance, approved March 3, 1899, and to renumber certain sections of said Act." approved March 14, 1901; also repealing Chapter LXIX of the Laws of 1903, entitled, "An Act to amend Sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to the election of the Trustees of the County Free High Schools," approved March 5, 1903, and to validate everything done under any of said acts of March 3,	

No.	TITLE OF ACT.	PAGE.
	1899, March 14, 1901, and March 5, 1903.....	67, 69, 83, 116, 117, 133, 142, 227.
84	A Bill for an Act to amend Section 313 of the Political Code relating to the distribution of public reports.....	73, 74, 99, 116, 117, 157, 162, 175, 256, 273, 277, 329.
85	A Bill for an Act entitled "An Act making appropriations for the Montana State Fair and for permanent improvements on the grounds thereof for the fiscal years ending November 30th, 1907, and November 30th, 1908."	73, 74, 300, 445, 499, 512, 525, 579, 585, 598, 603, 613, 631.
86	A Bill for an Act entitled, "An Act authorizing the Board of Directors of the Montana State Fair to purchase the Grand Stand erected upon the State Fair grounds, and appropriating money therefor.".....	73, 74, 500, 572.
87	A Bill for an Act entitled, An Act to provide for the incorporation, management and regulation of mutual companies for the insurance of the property of the members against loss or damage by fire or the elements.....	73, 74, 217.
88	A Bill for an Act entitled, "An Act providing for the registration of electors, in counties, cities and towns, and for penalties for the violation thereof.".....	73, 75, 105, 217, 336, 410, 493, 529, 549, 555, 648.
89	A Bill for an Act entitled, "An Act to amend Chapter VI, Title XIII, of the Penal Code of the State of Montana relating to extortion, by adding thereto, a Section to be designated as Section 924.".....	73, 75, 157, 185, 196, 208, 463, 469, 637, 643, 660, 677.
90	A Bill for an Act to repeal Sections 1313, Part II, Title X, Chapter 3, of the Code of Civil Procedure of the State of Montana, and to provide for the recovery of the value of permanent improvements which have been placed upon Real Estate by persons in the possession thereof, and holding the same in good faith and under color of Title.....	74, 75, 167.
91	A Bill for an Act appropriating money for the payment of deficiency claim of John J. Quinn for expenses incurred.	74, 75, 78, 116, 117, 142, 147, 153, 225, 240, 241, 329.
92	An Act appropriating money for the payment of deficiency claims of certain persons for rewards.....	74, 75, 78, 116, 117, 142, 147, 154, 225, 240, 241, 329.
93	An Act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building.	74, 75, 78, 116, 117, 145, 147, 154, 225, 240, 241, 329.

No.	TITLE OF ACT.	PAGE.
94	An Act appropriating money for the payment of deficiency claims for expense of Attorney General.....	74, 75, 78, 116, 117, 145, 147, 155, 225, 241, 329.
95	An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the State Board of Horticulture.....	74, 75, 78, 116, 117, 145, 147, 155, 256, 273, 277, 329.
96	A Bill for an Act entitled "An Act to amend Sections One, Two, Three, Four and Five of an Act of the Eighth Legislative Assembly, entitled, "An Act to appoint the Entomologist of the Experiment Station State Entomologist, and appropriate money to pay his traveling expenses."	74, 75, 290, 359, 411, 435, 443, 564, 590, 591, 629.
97	A Bill for an Act to amend Section 1355 of Chapter I, Part II of the Criminal Code of Montana relating to the rights of the defendant in Criminal Actions.".....	74, 75, 104.
98	A Bill for an Act to regulate the sale, use and redemption of transportation tickets of common carriers, providing penalties for the violation thereof and repealing Section 982 of Chapter IV, Title VIII, Part IV, of Division I, of the Civil Code of Montana.....	74, 75, 89, 106, 132, 165, 188, 196, 208, 318.
99	A Bill for an Act amending Section 3071 of the Political Code of the State of Montana, relating to property liable for taxation.	74, 75, 104.
100	A Bill for an Act to amend Sections 1675 and 2460 of the Penal Code of Montana relating to the issuing of subpoenas by magistrates in criminal actions in Justice Courts	74, 75, 106.
101	A Bill for an Act to establish a Geological Survey of Montana and to make appropriation therefor.....	82, 85, 216, 351, 445, 519, 537, 544, 610.
102	A Bill for an Act entitled, "An Act appropriating money for the payment of the expenses of Dr. H. J. Ricketts while investigating the cause and cure of Spotted Fever."	82, 84, 85, 125, 162, 188, 190, 196, 209, 318, 335, 335, 385.
103	A Bill for an Act to amend Sections 2224 and 2241 of the Penal Code of Montana relating to judgments for costs or fines in criminal actions and to the issuance of executions to collect the same.....	84, 85, 104.
104	A Bill for an Act to amend Section 4870 of the Political Code of the State of Montana as amended by House Bill No. 213, entitled "An Act to amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876	

No.	TITLE OF ACT.	PAGE.
	and 4877 of the Political Code of the State of Montana, relating to taxation in municipal corporations," approved March 3, 1897.....	84, 85, 99, 126, 157, 162, 175, 327, 367, 385.
105	A Bill for an Act entitled, "An Act to repeal Sections 4072, 4073, 4080, and 4082 of Article II, Chapter XIII, Political Code of Montana, and Sections 4075 and 4079, of Article II, Chapter XIII, Political Code of Montana, as amended by House Bill No. 162, approved March 6, 1897, and Section 4064, of Article II, Chapter XIII, Political Code of Montana, as amended by House Bill No. 80, approved March 4, 1901, relating to licenses.".....	84, 85, 134, 312.
106	A Bill for an Act to prevent the adulteration or dilution of articles of food, drink, drug, medicine, strong, spirituous or malt liquor, or wine or any article useful in compounded either of them and to prevent the sale, keeping for sale, or offering for sale thereof; and to repeal Section 682 and 683 of the Penal Code.....	84, 85.
107	A Bill for an Act entitled, "An Act providing for filing amended certificates of incorporation, and other certificates relating to corporation.....	84, 85, 104, 157, 185, 196, 209, 376.
108	A Bill for an Act entitled, "An Act to limit the hours of labor of telegraph operators, trick (train?) despatchers, express messengers, baggage-men, and fixing the penalties for violation of this act. Exempting co-employees from assuming liability by reason of working with fellow employees who may be employed in violation of this act and making all persons, corporations, or companies, violating this act liable for all damage resulting therefrom.".....	84, 85, 192, 336, 449, 451.
109	A Bill for an Act appropriating money for the deficiency claim of certain persons for supplies furnished account Farmers Institute.....	84, 85, 86, 106, 115, 126, 131, 200, 220, 221, 237.
110	A Bill for an Act appropriating money for the payment of the claim of Board of Charities and Reform for expenses incurred.....	84, 85, 86, 106, 132, 138, 139, 200, 220, 237.
111	A Bill for an Act appropriating money for the payment of certain deficiency claims in connection with the Adjutant General's office.....	85, 86, 106, 132, 138, 139, 200, 221, 237.
112	A Bill for an Act appropriating money for the payment of certain deficiency claims in connection with the State Treasurer's office.....	85, 86, 106, 132, 138, 139, 200, 221, 237.
113	A Bill for an Act appropriating money for the payment of deficiency claims of the Bureau of Child and Animal	

INDEX TO HOUSE BILLS

XIX

No.	TITLE OF ACT.	PAGE.
	Protection for expenses incurred.....	85, 86, 106, 132, 147, 155, 225, 241, 329, 649.
114	An Act to appropriate money for the purpose of assist- ing in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the ap- pointment of a Commission to assist in the erection of such monument.....	90, 91, 352, 516. 519, 537, 544.
115	A Bill for an Act entitled "An Act for the better protec- tion of employees and for preventing superintendents, foremen, assistant bosses, or any other person from re- ceiving or soliciting any sum of money or other valu- able consideration, for, or on account of employing or continuing to employ any person, or promising or agree- ing to do so, and providing penalties for violations of this act.....	90, 91, 193, 300, 321, 325, 344, 463, 478, 569.
116	A Bill for an Act entitled, An Act to prohibit the use of four wheel cabooses known as Dinkey Cabooses, on all railroad trains operated in the State of Montana; to prevent the use of box cars as cabooses, and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this Act.....	90, 92, 198, 290, 325, 343, 457, 463, 507, 569.
117	A Bill for an Act entitled, "An Act to amend Section 717, Part I, Title X, Chapter XI of the Penal Code of the State of Montana, as the same is now in force, as amended by an Act, entitled, An Act to amend Section 717, Part I, Title X, Chapter XI, of the Penal Code of the State of Montana, relating to the sale of in- toxicating beverages, on the line of any railroad grade, logging camp, saw-mill, sheep shearing camp, irriga- tion ditch, or canal in course of construction, approved February 27, 1905.....	90, 92, 147, 274.
118	A Bill for an Act entitled, "An Act providing for the apportionment between Counties of taxes levied upon live stock run or herded upon the public ranges of more than one county, and penalties for the violation there- of."	90, 92, 286.
119	A Bill for an Act entitled, "An Act providing for sub- mitting to the qualified electors of the State of Mont- ana an amendment to Section 11, Article 9 of the Con- stitution of the State of Montana authorizing the Legis- lative Assembly of the State of Montana to prescribe additional qualifications for county superintendents of schools and for the state superintendent of public in- struction."	90, 92, 312.
120	A Bill for an Act entitled: "An Act regarding pool rooms, pool selling and registering of bets, and to pun- ish the keeping of pool rooms, bookmaking and pool selling, and recording of bets by unlicensed persons; to	

No.	TITLE OF ACT.	PAGE.
	provide for the issuance of licenses therefor, and to dispose of the funds arising from such licenses; and to provide civil and criminal liabilities and penalties for the violation of its provisions and civil actions for the recovery of money lost on any pool or bet sold or registered contrary to this act and repealing and prohibiting ordinances on the subject and repealing Acts in conflict herewith.".....	90, 92, 205, 307, 325, 343, 677, 678.
121	A Bill for an Act to amend Section 666, Title IV, Chapter II, Political Code, relating to the filing of annual statements of certain corporations.....	90, 92, 217, 314, 405, 435, 445, 521, 557, 591.
122	A Bill for an Act entitled, "An Act to provide for the payment of the actual expenses of County Assessors incurred in the performance of official duties.".....	99, 101, 234, 314, 325, 345, 418.
123	A Bill for an Act defining the Status of Persons soliciting Life Insurance.....	99, 101, 290, 307, 325, 334, 419, 444, 484.
124	A Bill for an Act entitled, "An Act prescribing the number of deputies to which county assessors are entitled.".....	99, 101, 383.
125	A Bill for an Act entitled, "An Act to provide that qualified electors of the State of Montana may vote in any precinct in this State where their duties call them on Election Day.".....	99, 101, 252, 332, 449, 562.
126	A Bill for an Act appropriating money for the payment of certain deficiency claims account State Game & Fish Warden.	99, 101, 103, 134, 176, 196, 209, 318, 335, 385, 505.
127	A Bill for an Act making appropriations for the State Institutions of Montana for the three months ending February 28, 1907.....	100, 101, 103, 190, 196, 210, 318, 335, 385.
128	A Bill for an Act entitled, "An Act prohibiting the employment of children in certain occupations under the age of sixteen years; providing for the registration of the age of all children; the issuance of an age certificate and the disposition of the same; forbidding the employment of children in certain occupations without such certificate; providing for the enforcement of the provisions of this Act and providing penalties for the violation of the provisions thereof.....	100, 101, 240, 339, 409, 435, 441, 539, 541, 574, 628.
129	A Bill for an Act to amend Section 1840 of the Political Code of Montana as amended by an Act approved March 5, 1903, relating to the qualifications of teachers.	100, 101, 143, 204, 238, 247, 258, 318, 337, 375.
130	A Bill for an Act making appropriations for the Execu-	

INDEX TO HOUSE BILLS

XXI

No.	TITLE OF ACT.	PAGE.
	tive and Judiciary Departments of the State Government for the three months ending February 28, 1907..	100, 101, 103, 147, 176, 196, 210, 318, 337, 367, 385, 539.
131	A Bill for an Act entitled, "An Act requiring all mortgages, bonds, for deeds, deeds of trust, contracts for the sale or purchase of property and assignments, to show the true name and residence of the parties thereto, and in case such parties are non-residents requiring certain affidavits to be made a part thereof, and fixing penalties for making false statements therein."	100, 101, 250, 345, 409, 435, 442, 498.
132	A Bill for an Act to prohibit misrepresentation by Life Insurance Companies.....	108, 110, 218, 300, 321, 325, 333, 385, 419, 444, 445, 484.
133	A Bill providing for the payment of deficiency claims in certain State Offices.....	108, 110, 115, 175, 190, 196, 210, 218, 318, 335.
134	A Bill for an Act to allow traveling expenses of County Superintendents of Schools.....	108, 110, 143, 175, 190, 206, 211, 377, 391.
135	A Bill for an Act defining warehousemen and warehouse receipts. Prohibiting the issuance and sale or negotiation of duplicate, substitute, pretended, or non-negotiable warehouse receipts and prescribing the punishment thereof.....	108, 110, 314, 408, 476, 560, 609.
136	A Bill for an Act requiring all railroad companies operating in the State of Montana to keep a watchman at the grade crossings of all generally traveled streets over which trains pass or switching is done as often as once in three hours in towns or cities of not less than two thousand (2000) inhabitants, from six o'clock A. M. until 8 o'clock P. M. and providing penalties for the failure so to do.....	108, 110, 150.
137	A Bill for an Act appropriating money for the payment of deficiency claim of the Secretary of the State Text Book Commission for services performed in preparing the report of said Commission.....	108, 110, 226.
138	A Bill for an Act entitled "An Act requiring all saloons and places where liquors are sold under a liquor license issued under the laws of Montana to be and remain closed from and after twelve o'clock midnight, until six o'clock the following morning.....	108, 110, 206, 272, 287, 288.
139	A Bill for an Act entitled An Act to compel corporations, associations or persons operating railways or railroads in the State to furnish cars and power to move shipments of property in carload lots, to provide for the recovery of penalties and damages for failure so to do and to prevent discriminations against shippers in furnishing cars and power to move their property.....	108, 110, 150, 415

No.	TITLE OF ACT.	PAGE.
140	A Bill for an Act to create a State Text Book Commission for the purpose of adopting and maintaining a uniform series of text books for the Public Schools of Montana; to regulate the price of same; define the duties and powers of the said Commission and appropriating a sum of money named therein for the expenses of said Commission.....	108, 110, 227, 339, 406, 415, 428, 541, 542, 591, 592.
141	A Bill for an Act to amend Section 1742 of the Political Code of Montana relating to County Superintendents, and their necessary traveling expenses when engaged in visiting schools, said section being now in force as amended by Act of the Seventh Legislative Assembly approved March 14, 1901, the foregoing section being contained in Part III, Title III, Chapter VI, Article II of the Political Code of Montana.....	108, 110, 143.
142	A Bill for an Act entitled, "An Act to provide for the compensation of State Officers.....	109, 110, 159, 225, 243.
143	A Bill for an Act entitled, "An Act to create a Commission to be known as the Montana State Fish Commission, naming the State Game Warden as a member of said Commission, and providing for the appointment of two other members of said Commission by the Governor; fixing the duties and compensation of said Commission and authorizing them to locate, construct and equip a State Fish Hatchery: To regulate the distribution of the product of said Hatchery and to appropriate money from the Game and Fish fund, for all of said purposes.".....	109, 110, 303, 490, 519, 537, 545.
144	A Bill for an Act, entitled, "An Act to amend Section 2942 of the Political Code relating to the publication of marks and brands, to provide for the auditing of the books of the Stock Association, and to provide for the disposition of any interest accruing on the estray fund.	109, 110, 363, 518, 537, 545, 597.
145	A Bill for an Act entitled "An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various state educational institutions; and also, to make whole the permanent funds of the various state educational institutions.".....	109, 110, 194, 267, 271, 291, 301, 457, 463, 485, 569.
146	A Bill for an Act to prohibit discrimination by Life Insurance companies and providing penalties for violation thereof.	109, 110, 218, 366, 405, 408, 425, 523, 525, 556, 591.
147	A Bill for an Act entitled "An Act to provide for the protection of Fish and Game in the State of Montana".....	109, 111.

INDEX TO HOUSE BILLS

XXIII

No.	TITLE OF ACT.	PAGE.
148	A Bill for an Act entitled An Act to establish a State Bureau of Vital Statistics, placing the same under the supervision of the Secretary of the State Board of Health and describing the duties of the subordinate officers of the State Board of Health relative thereto, and fully providing for the registration of births and deaths and other statistical matter relative to sanitary affairs and providing for sub registrars and providing for the payment therefor.....	109, 111, 138, 225, 243, 274, 280, 327, 306, 386, 556.
149	A Bill for an Act regulating Life Insurance Companies and prohibiting the diversion of funds for Political Purposes	109, 111, 218, 336, 405, 415, 420, 521, 591.
150	A Bill for an Act entitled An Act to amend Sections 4642 and 4643 of the Political Code of the State of Montana, relating to the fees allowed by the Board of County Commissioners to Justices of the Peace in criminal cases and providing for a fee for the serving of summons.	109, 111, 330.
151	A Bill for an Act providing regulations for saloons, and prohibiting wine rooms in or in connection with saloons, prohibiting the frequenting of wine rooms by females, or the admission of females to wine rooms, and prohibiting females being in saloons for the purpose of being supplied with liquor, and prohibiting certain signs in connection with saloons, and providing for the enforcement of this act and penalties for its violation.	109, 111, 205, 272, 288, 316, 332, 637, 638, 658, 664, 665, 670, 673, 677, 680, 681.
152	A Bill for an Act entitled, "An Act to amend Section 1873 of the Code of Civil Procedure of the State of Montana, relating to the fees paid Justices of the Peace."	110, 111, 330.
153	A Bill for an Act to amend Section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners, providing for the revocation of such certificates, and prescribing the procedure on appeal from the action of the State Board of Medical Examiners.....	110, 111, 240, 314, 384, 408, 426, 541, 590, 591, 629.
154	A Bill for an Act appropriating money for the payment of deficiency claims of certain persons for services rendered and material furnished the State Veterinarian.	117, 120, 123, 157, 185, 196, 211, 318, 335, 385.
155	A Bill for an Act entitled "An Act to regulate the licensing of itinerant vendors and to fix the amount of	

No.	TITLE OF ACT.	PAGE.
	such licenses.".....	117, 120, 213, 267, 271.
156	A Bill for an Act entitled: "An Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana as amended by an Act entitled: "An Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed county officers" approved March 3, 1905, and as amended by an Act entitled "An Act relating to the number of deputies allowed County Auditors in counties of the First Class, and fixing the compensation of same," approved March 4, 1905, and as amended by an Act entitled "An Act relating to number of assistants allowed the Clerk of the District Court in Counties of the First Class, and fixing the compensation allowed to said deputies and assistants in Counties of the First Class" approved March 4, 1905, and as amended by an Act entitled "An Act fixing the maximum number of Deputy Sheriffs in counties of the First Class and the maximum annual compensation thereof" approved March 4, 1905, and as amended by an Act entitled "An Act relative to number of assistants allowed Treasurers in Counties of the First Class, and fixing the compensation allowed to said Deputies and Assistants in Counties of the first Class" approved March 4, 1905, and to repeal an Act entitled "An Act to amend Sections 3 and 4, of an Act entitled "An Act concerning the compensation of County District and Township officers; approved March 6, 1891," approved March 2, 1893, and to repeal an Act entitled "An Act to amend an Act entitled "An Act concerning the compensation of County District and Township officers;" approved March 9, 1893.".....	118, 120, 150, 363, 448, 475, 488, 617.
157	A Bill for an Act entitled: "An Act to amend Section 4596 of the Political Code of the State of Montana, relating to the annual compensation allowed Deputies or assistants to County Officers, as amended by an Act entitled: "An Act relating to the number of deputies allowed county auditors in counties of the first class and fixing the compensation of same," approved March 4th, 1905, and as amended by an Act entitled: "An Act relating to number of assistants allowed the clerk of the district court in counties of the First Class, and fixing the compensation allowed to said deputies and assistants in counties of the First Class," approved March 4, 1905, and as amended by an Act entitled: "An Act fixing the maximum number of Deputy Sheriffs in counties of the First Class, and the maximum annual compensation thereof," approved March 4, 1905, and as amended by an Act entitled "An Act relative to the number of Assistants allowed Treasurers in counties of the First Class, and fixing the compensation allowed to said deputies and assistants in counties of the First Class," approved March 4, 1905; and to repeal an Act entitled: "An Act to amend Sections 3 and 4 of an Act entitled: "An Act concerning the compensation of County, District and Township of-	

INDEX TO HOUSE BILLS

XXV

No.	TITLE OF ACT.	PAGE.
	ficers," approved March 6, 1891, approved March 2, 1893, and to repeal an Act entitled "An Act to amend an Act entitled: "An Act concerning the compensation of County, District and Township Officers," approved March 9, 1893.".....	118, 120, 158, 225, 243, 247, 258, 278, 304, 332, 359, 379, 398, 402, 610.
158	A Bill for an Act entitled "An Act appropriating money for the erection and completion of a Library building for the University of Montana at Missoula, Montana; for enlarging the heating plant and connecting the same with the Library building and for cement walks necessary to connect said Library with other buildings at said University Grounds, and with the street, and for certain improvements on University grounds."....	118, 120, 219, 316, 370, 372, 378, 541, 574.
159	A Bill for an Act entitled "An Act to amend Section 3162 of the Code of Civil Procedure as the same was amended by an Act of the Fifth Legislative Assembly of the State of Montana approved February 19th, 1897, relating to witnesses.".....	119, 120, 192, 287, 316, 331, 463, 478, 569.
160	A Bill for an Act to amend an Act providing for the payment of the indebtedness and expense hereafter incurred by cities, the indebtedness of which exceeds the limit provided in Section 6, Article XIII of the Constitution of the State of Montana, and further providing for the levy and collection of taxes for such purpose." Approved February 24th, 1903.....	119, 120, 218, 314, 411, 416, 446, 472, 498, 504, 570, 694, 605, 629.
161	A Bill for an Act to amend Section 66 of the Code of Civil Procedure of the State of Montana respecting the civil jurisdiction of Justices of the Peace.....	119, 120, 251, 270, 274, 283, 396, 418, 523, 525, 559, 591.
162	A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons against the State of Montana from losses arising from the slaughtering of diseased animals, under provisions of Sections 3005 and 3006 of the Political Code of the State of Montana.".....	119, 120, 166, 262, 332, 371, 387, 400, 584, 620, 621, 646.
163	A Bill for an Act entitled "An Act to amend Section 4658 of the Political Code of Montana, relating to witness fees of experts.".....	119, 120, 167.
164	A Bill for an Act to amend Section 529 of the Penal Code of the State of Montana.....	119, 120, 205, 267, 271, 285, 298, 419, 421, 445, 485.
165	A Bill for an Act entitled "An Act to amend Article II, Chapter IV, Part III, Title III, of the Political Code	

No.	TITLE OF ACT.	PAGE.
	relating to the duties of the County Superintendent of Schools; adding a section to be known as Section 1745, regarding the School Census, and providing penalties for the violation of the provisions thereof.".....	119, 121, 143, 204, 239, 247, 256, 318, 335, 385.
166	A Bill for an Act entitled "An Act regulating the sale of merchandise in bulk.".....	119, 121, 166, 215, 314, 403, 408, 427, 627, 645, 677.
167	A Bill for an Act to add a Section to the Code of Civil Procedure of Montana, to be known as Section 644, and to provide a time within which Summons and other Process and Orders must be filed after service.....	119, 121, 251, 270, 291, 300, 419, 444, 445, 484.
168	A Bill for an Act entitled "An Act to amend Paragraph Three of Section 1830, Chapter VI, Article VI, Part III, of Title III, of the Political Code of the State of Montana, as amended by an Act of the Legislature approved March 14, 1901, relating to the taking of the School Census.....	119, 121, 143, 363, 409, 435, 437, 541, 574, 629.
169	A Bill for an Act entitled "An Act to amend Part III, Title VII, of the Code of Civil Procedure by adding thereto sections 2234 and 2235 relating to the taking of land for temporary banking grounds or for temporary logging roads. Requiring that the length of time for which such lands are taken and the dates shall be fixed by the Commission or Court and that after the expiration of such time the said lands shall revert to the party from whom the same were taken. Requiring that all damages fixed shall be paid in advance. Requiring that any lessee of such lands be made party to any such action and empowering the Court to apportion any compensation to be received, between the various parties in interest.".....	119, 121, 157, 225, 243, 247, 264, 463, 485.
170	A Bill for an Act entitled "An Act to authorize and direct the Executive Board of the Montana Agricultural College to establish a sub-station for the purpose of carrying on experiments in horticulture and to appropriate money therefor.".....	120, 121, 216, 480, 550, 572, 590, 593, 648, 660, 661, 677.
171	A Bill for an Act entitled An Act to amend Section 7 of Chapter 52 of the Session Laws of 1905, approved March 1st, 1905, relating to the time within which wild geese, wild ducks, brant and swan may not be shot or killed	120, 121, 383.
172	A Bill for an Act appropriating money for the payment of deficiency claims in connection with the Meat and Milk Inspector's office.....	127, 128, 175, 190, 196, 211, 318, 338, 367, 385.

INDEX TO HOUSE BILLS

XXVII

No.	TITLE OF ACT.	PAGE.
173	A Bill for an Act appropriating money for the payment of deficiency claims in connection with the State Veterinarian's office for clerical hire.....	127, 128, 129, 157, 185, 196, 211, 318, 335, 385.
174	A Bill for an Act entitled "An Act providing for the redemption and payment of county School District, City and Town Bonds held by the State, before maturity thereof."	127, 128, 194, 287, 316, 331, 419, 445, 484.
175	A Bill for an Act to require an annual apportionment and accounting of surplus life insurance companies as to policies heretofore issued.....	127, 128, 227, 243, 300, 432, 517, 518.
176	A Bill for an Act to amend Section 4648 of the Political Code of Montana, relating to the fees and mileage of witnesses.	127, 128, 219, 336, 405, 415, 431, 498.
177	A Bill for an Act to prohibit the making and publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary condition or property of any corporation, joint stock association, co-partnership or individual, which said statements or publications are intended to give, or shall have a tendency to give a less or greater apparent value to the shares, bonds or property, or any part thereof of said corporation, joint stock association, co-partnership or individual than the said shares, bonds or property shall really and in fact possess, and providing a penalty therefor.	127, 128, 293, 359, 411.
178	A Bill for an Act "To provide for the payment of the actual necessary expenses of Judges of the District Court when holding court in his district in any county not the county residence of such judge.".....	127, 128, 192, 300, 321, 325, 344, 396.
179	A Bill for an Act entitled, "An Act prescribing regulations for opening, operating, platting, general conduct and management of Coal Mines and Coal Mining, prescribing penalties, and repealing Article I, Chapter XX, Part III, Title VII, (Sections 3350 to 3365 inclusive), of the Political Code of Montana, relating to the regulation of Coal Mines.".....	127, 128, 273, 408, 473, 516, 527, 617.
180	A Bill for an Act to amend Section 1752 of the Political Code relating to boundaries of School Districts.....	127, 128, 144, 204, 239, 313.
181	A Bill for an Act to amend Section 2391 of Chapter III, Article I, Part III, Title V, Political Code of Montana, to repeal Section 2396 of said Chapter relating to the librarians and their salaries, and to add a certain new section to said Chapter III, to be designated as Section 2401, relating to assistant librarians and their salaries.	127, 128, 265, 332, 403, 415, 428, 523, 527, 559, 591.
182	A Bill for an Act, entitled "An Act to establish a State Board of Health, subordinate County, City and Town	

No.	TITLE OF ACT.	PAGE.
	Boards of Health, defining the powers and duties of each, providing for the compensation of the officers and members of each, providing for the enforcement of the rules and regulations and laws relating to said Boards, and to repeal an Act entitled "An Act creating a State Board of Health, defining its powers and duties and providing for the compensation of its officers and providing for the enforcement of the rules and regulations of said Board." Approved March 15th, 1901.".....	127, 128, 138, 242, 291, 290, 523, 524, 604, 605, 629.
183	A Bill for an Act approving bounty claims of Stockmen's National Bank, of Fort Benton, Montana, and providing for payment thereof.....	135 136, 290, 363, 411, 437, 584, 604, 605, 630.
184	A Bill for an Act entitled "An Act to regulate certain gambling and prohibit other gambling.".....	135, 136, 575.
185	A Bill for an Act regarding gambling and to prohibit certain games, and the possession or use of certain implements and appliances and the using or leasing of any premises for gambling purposes, to provide for the enforcement of this act, and to provide civil and criminal liabilities and penalties for violations of its provisions and civil actions for the recovery of money lost at any of the games herein prohibited, and to repeal and prohibit City and Town ordinances on the subject, and to repeal the act approved March 15th, 1901, entitled: "An Act to prohibit gambling within the State of Montana, to provide penalties for the violation of this Act, and repealing an Act of the Fifth Regular Session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled An Act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this Act," and conflicting Acts.....	135, 269, 356, 384, 403, 425, 433, 443, 564, 566, 607, 630.
186	A Bill for an Act entitled "An Act to compel Street Railway Companies to protect certain of their employees from inclemencies of the weather, while performing services," and providing penalties for the violation of the same.....	135, 136, 293, 387, 409, 435, 436, 521, 557, 591.
187	A Bill for an Act to amend Sections 1920 and 1925 inclusive of the Political Code, as amended by Chapter XLV of the Laws of 1903, and Sections 1925 (a) and 1925 (n) of the Political Code as enacted by said Chapter XLV of the Laws of 1903, relating to the compulsory education of children, the establishment, equipment and conduct of industrial schools and the care of juvenile disorderly persons.....	135, 136.
188	A Bill for an Act creating a County Board of Educational Examiners, providing for their appointment, fix-	

INDEX TO HOUSE BILLS

XXIX

No.	TITLE OF ACT.	PAGE.
	ing their compensation and prescribing their qualifications and duties.....	135, 136, 228, 314, 325, 333, 463, 478, 569.
189	A Bill for an Act to define the powers and duties of County Surveyors, and to provide for their compensation, and to abolish the office of Road Supervisor.....	135, 136, 219.
190	A Bill for an Act to amend Section 3960 of the Political Code of the State of Montana. An Act entitled an Act to amend Section 3960 of the Political Code of the State of Montana.....	140, 148, 193, 363.
191	A Bill for an Act to amend Section 4747 of the Political Code of the State of Montana. An Act entitled An Act to amend Section 4747 of the Political Code of the State of Montana.....	140, 148, 218.
192	A Bill for an Act to amend Section 606 of the Political Code of the State of Montana, relating to the practice of medicine and surgery contrary to law, providing a penalty therefor, and defining what evidence shall be deemed sufficient to institute the practice of medicine and surgery.....	147, 148, 235, 316, 374, 379, 398, 402, 539, 542, 591, 629.
193	A Bill for an Act to amend Section 706 of the Penal Code of the State of Montana relating to persons who practice medicine or surgery without first having obtained the certificate to practice, and who practice medicine or surgery after their certificate has been revoked, and providing a penalty therefor.....	147, 149.
194	A Bill for an Act, entitled "An Act appropriating money for the restoration and maintenance of Old Fort Benton and providing for the appointment of a Board of Trustees for the management thereof.....	147, 149, 352, 446, 476, 498, 504, 500, 664, 669, 670, 679.
195	A Bill for an Act entitled an Act to amend Section 1000 of the Civil Code of the State of Montana, as amended by an Act of the Ninth Legislative Assembly of Montana, approved March 2nd, 1905.....	148, 149, 415, 445, 495, 504, 508, 664, 676, 679.
196	A Bill for an Act to define trust and declaring a trust to be unlawful, against public policy and void; to provide criminal penalties for and civil damages, defenses and punishments against persons, corporations, firms, associations or persons connected with them violating any of the provisions of this Act; and to promote free competition in commerce and all classes of business in this State.....	148, 149, 330, 432, 445, 449, 472, 498.
197	A Bill for an Act to provide for the publication of the certificate of the Auditor as to the authority of insurance companies to transact business, and for the publication of a condensed statement of their condi-	

No.	TITLE OF ACT.	PAGE.
	tion in addition thereto.....	148, 149, 218, 290, 307, 325, 342, 419, 444.
198	A Bill for an Act, entitled, "An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment of the members thereof and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.	148, 149, 165.
199	A Bill for an Act to amend Sections 3000 and 3013 of the Political Code, and the acts amendatory thereof, relating to the appointment of a State Veterinary Surgeon, his qualifications and salary.....	148, 149, 265, 336, 411.
200	A Bill for an Act to amend Chapter 45 of the Laws of 1905, entitled "An Act to foster, develop, protect and promote the sheep industry of the State of Montana, and to appoint a Board of Sheep Commissioners, and appoint Inspectors and Deputy Inspectors, and to define their duties and powers, and the duties and powers of the State Veterinary Surgeon in connection therewith," and to repeal an Act entitled: "An Act for the appointment of a Board of Sheep Commissioners, and to define their powers and duties," approved March 5, 1897, and Sections 3030 to 3046, inclusive, of the Political Code, covering the same subject, approved February 28, 1905, by amending Sections 3, 12, 15, 16, 17, 19, 24 and 27 to read as hereinafter set forth, and by adding thereto a section as number 32, relating to buck herds.".....	148, 149, 196, 290, 307, 325, 342, 564, 566, 567, 613.
201	A Bill for an Act creating Herding Districts for Live Stock, and providing a penalty for permitting Live Stock to run at large therein.....	148, 149, 196.
202	A Bill for an Act entitled, "An Act to provide for Farmers' Institutes and extension work in Agriculture" and to repeal an act entitled "An Act providing for Farmers' Institutes and making appropriation therefor, approved March 14th, 1901, and to repeal an Act entitled "An Act to amend an Act providing for Farmers' Institutes and making an appropriation therefor approved March 6th, 1903.....	149, 290, 387, 404, 408, 426, 541.
203	A Bill for an Act providing for the payment of lost certificates of deposit and other evidences of debt or liability, where the person to whom the same were issued have died intestate and without known heirs or next of kin.....	149, 248, 350.
204	A Bill for an Act entitled "An Act to provide for the appointment of Boards of Examiners for applicants for certain positions in and about Coal Mines, prescribing their duties, and term of office, and providing for the salaries of such Boards.....	149, 235, 336, 404, 415, 430, 497.

INDEX TO HOUSE BILLS

XXXI

No.	TITLE OF ACT.	PAGE.
205	A Bill for an Act entitled "An Act to create a Board of Fish Commissioners; providing for the locating, erecting and establishment of a State Fish Hatchery and providing for the maintenance thereof; to regulate the gathering and hatching of fish eggs, and the distribution of the product of said Hatchery, and to appropriate money from the Game and Fish Fund, for all said purposes."	154, 302.
206	A Bill for an Act entitled: "An Act appropriating money for the payment of deficiency claims in maintenance of the Capitol Building.".....	168, 169, 170, 251, 270, 274, 284, 419, 444, 445, 485.
207	A Bill for an Act entitled: "An Act appropriating money for the payment of deficiency claims account of Supreme Court.".....	168, 169, 171, 251, 270, 274, 284, 419, 444, 445, 484.
208	A Bill for an Act entitled: "An Act appropriating money for the payment of deficiency claim in connection with the office of Attorney General.".....	168, 169, 171, 251, 270, 311, 371, 372, 378, 463, 478, 569.
209	A Bill for an Act entitled: "An Act appropriating money for the payment of deficiency claims in connection with the Meat & Milk Inspectors office during 1905 and 1906.".....	168, 169, 171, 251, 270, 291, 302, 419.
210	A Bill for an Act entitled: "An Act appropriating money for the payment of deficiency claims of the State Encampment of 1905 of the National Guard of Montana."	168, 169, 171, 251, 270, 291, 302, 419, 444, 445, 484.
211	A Bill for an Act entitled: "An Act making towns and cities liable for all damages to persons, teams or vehicles, passing over grade crossings of railroad tracks on generally traveled streets when the town or city council has not required the Railroad Company to keep watchmen at such crossings to warn persons of danger."	168, 170, 247, 349, 350, 445, 536, 560, 576.
212	A Bill for an Act entitled: "An Act to require an annual apportionment and accounting of surplus of Life Insurance Companies.".....	168, 170, 218, 339, 405, 435, 242, 521, 556, 591, 591.
213	A Bill for an Act entitled: "An Act relating to the provisions of Life Insurance policies.".....	168, 170, 218, 300, 321, 325, 334, 419, 444, 445, 484.
214	A Bill for an Act entitled: "An Act appropriating the sum of Two Thousand Five Hundred Dollars (\$2,500.00) or so much thereof as may be necessary, for the erection of an addition to the Power House in connection with the State Capitol Building for use as a cafe.".....	168, 170, 309.

No.	TITLE OF ACT.	PAGE.
215	A Bill for an Act entitled: "An Act to provide for apportionment of membership and representation of the several counties of Montana and in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of Members thereof.".....	168, 170, 530.
216	A Bill for an Act entitled: "An Act to amend Sections 7, 11, 13, 15, 16, 18, 21, 35, 36, and 47 of an Act to revise the laws in reference to the State Militia of the State of Montana and to repeal certain laws named in this Act, approved March 9, 1897, and providing for the appointment of a Chief Clerk to the Adjutant General and a Military Storekeeper, and fixing salaries.".	168, 170, 381, 454, 536, 600.
217	A Bill for an Act entitled: "An Act to provide for the support of the Government of the State of Montana, for the years 1907 and 1908.".....	169, 170, 171, 251, 270, 291, 301, 419, 444, 445, 481.
218	A Bill for an Act entitled: "An Act to prevent the shooting or killing of grouse, prairie chicken, fool hen, sage hen, or pheasant, and to provide punishment for the violation of any of the provisions of this Act."....	169, 170, 383.
219	A Bill for an Act entitled: "An Act to protect stockholders and other persons dealing with corporations in this State, and to provide punishment for the violation of any of the provisions of this Act.".....	169, 170, 250, 336, 411.
220	A Bill for an Act entitled: "An Act to amend Section 1 of Chapter 37 of the Session Laws of 1905, being an Act to define lawful fences, and to repeal Section 3250 of the Political Code, and an Act approved March 16, 1901, entitled: An Act to amend Section 3250, Chapter 13, Title 7, Part 3, of the Political Code of the State of Montana, approved Feb. 27, 1905.".....	169, 170, 404, 406.
221	A Bill for an Act entitled: "An Act to add to Article 6, Chapter 3, Title 1, Part 3, of the Political Code, a Section to be numbered 428, providing for the cancellation by the State Auditor at the expiration of a specified period, of all warrants returned or uncalled for..."	169, 170, 249, 339, 415, 428, 521, 556, 591.
222	A Bill for an Act entitled, An Act concerning delinquent juvenile persons, defining same, and providing for their apprehension, custody and disposition; the jurisdiction of courts and proceedings therein, and concerning the parents, guardians and other persons responsible for the custody, care, guidance, education and maintenance and control of such children, and providing for their punishment in cases of delinquency therein.....	169, 170, 279, 366, 398.
223	A Bill for an Act entitled: "An Act concerning dependent and neglected children and concerning the parents, guardians or other persons responsible for the custody, care, maintenance and support of such children, and	

INDEX TO HOUSE BILLS

XXXIII

No.	TITLE OF ACT.	PAGE.
	their punishment for the neglect of such children."....	169, 170, 279, 403.
224	A Bill for an Act entitled: "An Act prohibiting the use of automobiles on any public highway or road in the State of Montana, and prescribing penalties.".....	169, 170.
225	A Bill for an Act entitled: "An Act providing for the payment of certain expenses incurred by the Board of Stock Commissioners and the Board of Sheep Commissioners with relation to bounty fraud cases and bounty supplies from the Bounty Fund.".....	171, 172, 290, 387, 409, 435, 441, 496, 497.
226	A Bill for an Act to provide certain requirements of Life Insurance Companies organized in the State of Montana, and also relating to the admission of Life Insurance Companies organized in another State, and applying to transact business in this State.....	182, 183, 306, 381, 404, 435, 445, 521, 574.
227	A Bill for an Act to amend Section 411 of the Civil Code of Montana relating to the making and filing of Articles of Incorporation of domestic corporations....	182, 183, 336, 445, 513, 520, 537, 547, 648, 669, 670, 679.
228	A Bill for an Act entitled "An Act to amend Sections 132 and 134 of the Civil Code of the State of Montana and to amend Article II, of Chapter II, of Title I of Div. I of said Civil Code, by adding thereto a section to be numbered Section 147, which section 147 defines incompatibility of temper as cause for divorce.....	182, 183, 250, 332, 350, 371, 387, 400, 498, 521, 581, 620, 621, 646.
229	A Bill for an Act to amend Section 397 and Section 1503 of the Code of Civil Procedure of the State of Montana relating to appearance in Justices' Courts.....	182, 183, 292.
230	A Bill for an Act entitled "An Act to amend Section 3866 of the Civil Code of the State of Montana relating to the renewal of Mortgages of personal property as amended by Chapter IV, Laws 1903, approved March 4, 1903, and as amended by an Act of the Legislative Assembly of the State of Montana, approved February 28, 1905; and to amend Section 3865 of the Civil Code of the State of Montana relating to the period of time for which mortgages of Personal Property shall be valid.".....	182, 183, 248, 331, 406, 415, 429, 521, 550, 591.
231	A Bill for an Act appropriating money for the Montana State School of Mines located at Butte, Montana, for the erection and equipment of a boiler plant and of a metallurgical plant for said school.....	183, 183, 226, 316, 371, 372, 378, 564, 567, 587, 603, 611, 620, 621.

No.	TITLE OF ACT.	PAGE.
232	A Bill for an Act to amend Section 1080 of the Code of Civil Procedure of Montana, and to repeal an Act approved February 15th, 1901, relating to the method of procedure in the trial of civil actions and review by the Supreme Court of errors in instructions.....	187, 188, 251, 270, 285, 299, 351, 419, 444, 445, 484.
233	A Bill for an Act to amend Section 2070 of the Penal Code of Montana, and to repeal an act approved February 15th, 1901, relating to method of procedure in the trial of criminal actions.....	187, 188, 305, 387, 409, 437, 559, 591.
234	A Bill for an Act relating to Bills of Exceptions and statements of the case, providing that the exceptions of the prevailing party shall be incorporated therein, and providing for review by the Supreme Court on appeal of such exceptions and the orders and rulings relating thereto.	187, 188, 251, 270, 291, 301, 419, 444, 445, 484.
235	A Bill for an Act to amend Section 1172 of the Code of Civil Procedure of Montana; to amend Section 1173 of the Code of Civil Procedure of Montana, as amended by an Act of the Ninth Legislative Assembly, entitled, "An Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana, approved March 4, 1905; and to amend Sections 1174 and 1176 of the Code of Civil Procedure of Montana, relating to practice on motions for a new trial.....	187, 188, 251, 270, 291, 302, 419, 444, 445, 484.
236	A Bill for an Act to amend Section 637 of the Code of Civil Procedure of the State of Montana, relating to publication of summons.....	187, 188, 287, 316, 332, 419, 444, 445, 484.
237	A Bill for an Act to amend Sections 1736, 1738 and 1739 of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court....	187, 188, 251, 271, 291, 302, 419, 444, 445, 484.
238	A Bill for an Act entitled "An Act to amend Section 2 of an Act approved March 1st, 1905, entitled An Act to repeal Sections 4, 6, 11, 12, 21, and 25 of House Bill No. 123 entitled An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game, approved March 8th, 1897, and to also repeal Sections 1, 2, 3 and 5 of the said Act as amended by House Bill No. 13, Session Laws of 1901, approved March 14, 1901, and to provide further protection to birds, fish, fur bearing animals and game.".....	187, 188, 383.
239	A Bill for an Act entitled "An Act to appropriate the	

INDEX TO HOUSE BILLS

XXXV

No.	TITLE OF ACT.	PAGE.
	sum of Ten Thousand Dollars, or so much thereof as may be necessary to be expended in securing proper ventilating facilities for the State Capitol, and particularly for the Senate Chamber, and the House of Representatives."	188, 227.
240	A Bill for an Act entitled: "An Act providing for the maintenance and care of indigent orphan children and foundlings, and making an appropriation for such purpose."	196, 198, 462, 529.
241	A Bill for an Act authorizing the appointment of a third assistant to the Attorney General, and authorizing the employment of an additional stenographer for the Attorney General's office.....	196, 198, 291, 371, 406, 415, 431, 521, 555, 557, 592.
242	A Bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment of Section 6, of Article XVI, of the Constitution of the State of Montana, relating to the terms of office of certain officers.....	196, 198, 275, 363, 409, 435, 439, 440.
243	A Bill for an Act to amend House Bill No. 203, entitled, "An Act to amend Section 4800 of the Political Code, relating to Legislative Powers of Cities, and to enable cities and towns to acquire, by purchase, condemnation proceedings, water plants, water supplies, franchises, public buildings and sewers," approved the 8th day of March, 1897; by eliminating therefrom that portion of Paragraph 64 thereof declared unconstitutional by the Supreme Court of the State of Montana.....	196, 198, 521, 563.
244	A Bill for an Act entitled: "An Act to prohibit the giving of free tickets, free passes or free transportation by common carriers in this state to certain public officials and to prohibit the giving or granting of franks or free privileges or special privileges by common carriers, express companies, telegraph companies and telephone companies to certain public officials and fixing the penalties for the violation thereof."	197, 198, 248, 339, 471.
345	A Bill for an Act entitled "An Act to provide for party nominations by direct vote."	197, 198, 363, 470, 577.
246	A Bill for an Act to repeal Section 4049 of the Political Code, and to enact in lieu thereof a Section to be numbered 4049 of the Political Code, providing for a lien on property used in any trade, occupation or business for which a license is required and for the seizure and sale of such property upon default in payment of such license.	197, 198, 275, 345, 405, 435, 441, 522.
247	A Bill for an Act to provide for the admission of Mutual Hail, Cyclone and Tornado Insurance Companies or Associations organized under the laws of another state.	197, 198, 478, 529, 560, 571, 578, 673, 678, 679.

No.	TITLE OF ACT.	PAGE.
248	A Bill for an Act entitled, "An Act to create an Immigration Bureau for the State of Montana; to provide for the management and control of the same; to appropriate money for the maintenance thereof; to permit County Commissioners to participate in Immigration Work and appropriate County Funds therefor."..	197, 198, 202, 410, 448, 449, 450, 480, 532, 561, 568.
249	A Bill for an Act to authorize and empower Foreign Corporations to exercise the right of eminent domain in Montana.	197, 198, 215, 251, 271, 285, 299, 376, 380, 380, 385, 496.
250	A Bill for an Act entitled: "An Act to amend an Act approved March 18, 1901, entitled, 'An Act creating the office of Inspector of Coal Mines, defining his duties and providing for his salary and providing penalties for the violation thereof,' creating the office of Coal Mine Inspector, and making the coal mine inspector ex officio the sealer of weights and measures of coal mines, and providing for his removal for cause, also providing for the payment of fees for inspecting coal mines and inspection of coal mine scales." Also defining the duties of said Coal Mine Inspector, providing for his salary and providing penalties for the violation thereof.".....	197, 198, 234, 359, 373, 404, 415, 429, 611, 612, 639, 640, 677.
251	A Bill for an Act entitled: "An Act to provide that the Board of County Commissioners of each County in the State, shall pass a resolution to be known as the "Annual Appropriation Resolution": provide for a tax levy; to provide for each county officer to file with the said Board, an estimate of their annual expenses for the fiscal year; and to provide a county fiscal year....	197, 198, 363, 446, 476, 498, 505, 647.
252	A Bill for An Act providing that all graduates of the University of Montana, who have completed a certain amount of work in the Department of Psychology and Method, shall be entitled to teach in the Public Schools of the State, without other or further examination....	197, 198, 313, 408.
253	A Bill for an Act defining the crime of burglary with explosives and fixing the punishment therefor.....	221, 224, 251, 336, 348, 410, 435, 438, 475, 488, 579, 604, 605, 629.
254	A Bill for an Act to amend Section 1260, and to repeal Section 1261 of Chapter 5, and to amend Section 1411, Chapter 10 of the Political Code of the State of Montana, relative to Judges of Election.....	221, 224, 292, 445.
255	A Bill for an Act to amend Section 353 of the Penal Code of the State of Montana, relating to verdict of juries in murder trials.....	221, 224, 348, 450, 496, 504, 509, 673, 679.

INDEX TO HOUSE BILLS

XXXVII

No.	TITLE OF ACT.	PAGE.
256	An Act to amend Section 1 of an Act entitled "An Act to provide the conditions upon which foreign corporations may do business in this State and to repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana," approved March 9, 1901; and to add sub-division 7 to said Section 1, providing for the filing of alterations and amendments to the Charter or Articles of Incorporation of foreign corporations and for the filing of certificates of increase of capital stock or continuance of corporate existence, and for the payment of fees therefor.".....	221, 224, 336, 446, 472, 498, 505, 649, 655, 678.
257	A Bill for an Act entitled, "An Act for the submitting to qualified electors of the State of Montana, an amendment to Article XII, of the Constitution of the State of Montana, relating to the revenue and taxation, and providing for an increase in the Tax Levy.".....	221, 224, 432, 632, 633, 664, 668, 670, 679.
258	A Bill for an Act entitled: "An Act to amend Section 1 of Chapter 27 of the Acts of the Ninth Legislative Assembly, being an Act to authorize cities and towns to create special improvement districts, and to levy special assessments upon the property of such districts, for the purpose of defraying the cost of construction or acquiring a system of water works, and laying extensions to water mains, approved February 21, 1905.".....	221, 224, 279, 346, 498, 506, 597.
259	A Bill for an Act entitled: "An Act for the protection of the health of the men employed in underground mines and smelters, stamp mills, sampling works, concentrators or any works where ores or coal are mined, reduced, washed or treated, by regulating their hours of employment and providing penalties for the violation thereof; and repealing House Bill No. 1. (Sections 1 to 5 inclusive) of the Session Laws of 1901, entitled: "An Act for the protection of the health of the men employed in underground mines and in smelters, stamp mills, sampling works, concentrators, or any works where ores are mined or reduced, by regulating their hours of employment, and providing penalties for the violation thereof." ".....	221, 224, 276, 346, 404, 415, 427, 579, 604, 605, 630.
260	A Bill for an Act entitled, An Act repealing Article 15, Chapter III, Part 3, Title 1, (Sections 580 to 590 inclusive) of the Political Code of the State of Montana; and providing for the qualification, appointment, salary and expense of the State Inspector of Mines and for the appointment, salary and expense of Deputy Mine Inspector; providing the inspection fees for the inspection of mines and for the payment and collection of the same; and providing the duties of the State Inspector of Mines.....	221, 224, 339, 468.
261	A Bill for an Act entitled: "An Act to amend Sections 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488,	

No.	TITLE OF ACT.	PAGE.
	2489, 2490 and 2491. Chapter Four, Part 2 of the Criminal Code of Montana relating to the examination of witnesses conditionally.".....	222, 224, 316, 431, 476, 498, 506, 579, 604, 605, 629.
262	A Bill for an Act entitled: "An Act to provide for the appointment of Commissioners to compile and arrange the Codes and Statutes of Montana, and to prescribe their duties and powers, and to provide for their compensation."	222, 224, 349.
263	A Bill for an Act entitled: "An Act to amend Section 4786 of the Political Code, relating to the duties of City Attorney.".....	222, 224, 349, 398.
264	A Bill for an Act entitled "An Act to amend Section 3780 of the Political Code, relating to County Boards of Equalization."	222, 224, 392, 490, 519, 520, 608, 616, 622.
265	A Bill for an Act entitled: "An Act to amend Section 3480 of the Political Code, as enacted by the Act of the 6th Legislative Assembly, approved March 1, 1899, and amended by the Act of the Eighth Legislative Assembly, approved February 25th, 1903, and to amend Section 3491 of the Political Code as enacted by the Act of the Sixth Legislative Assembly, approved March 1, 1899, relating to the sale and leasing of State Bonds."	222, 224, 381.
266	A Bill for an Act entitled, "An Act to provide for the appointment of a Clerk for the office of State Mine Inspector and State Coal Mine Inspector.".....	222, 224, 291, 363, 449.
267	A Bill for an Act entitled "An Act providing for the establishment of Wash Houses at coal mines and providing penalties for the failure to comply with the same.	222, 224, 234, 316, 404, 415, 430, 585, 587, 639, 640, 677.
268	A Bill for an Act to amend Section 1900, and Section 1904 as amended by the Laws of 1897, Article 12, Chapter 6, Title 3, Part 3, of the Political Code of the State of Montana, relating to County Teachers' Institutes and to the means of raising funds to defray the expenses of such Institutes.....	228, 230, 313, 408, 519, 537, 546, 637, 660, 661, 677.
269	A Bill for an Act to amend Section 10, of Article 2, of Chapter 106, of the Laws of 1905, and providing when the fee of lands necessary to be taken for drains shall vest.	228, 230, 490, 519, 537, 546, 549, 664, 669, 670, 680.
270	A Bill for an Act entitled, "An Act prohibiting the use of firearms by children under the age of sixteen years."	228, 230, 313, 454, 519, 537, 546, 579, 604, 605, 629.
271	A Bill for an Act entitled, An Act relating to banking,	

INDEX TO HOUSE BILLS

XXXIX

No.	TITLE OF ACT.	PAGE.
	brokerage, exchange, loan and deposit business and amending Section 986 of the Penal Code of the State of Montana.	228, 230, 251, 356, 406, 415, 427, 4, 521, 556, 592, 680.
272	A Bill for an Act to provide for the appointment of a Commissioner to compile and revise the Codes and other laws of Montana, to provide for the publication of such Codes, to provide for the compensation of such Commissioner and to make an appropriation therefor..	228, 230, 251, 345, 405, 415, 428, 521, 559,
273	A Bill for an Act entitled An Act to amend Section 2931 of the Code of Civil Procedure of the State of Monana, and to extend the Powers of the Clerk of the District Court in the absence of the Judge.....	228, 230, 293.
274	A Bill for an Act entitled, "An Act to provide for the sale of estrays.".....	228, 230.
275	A Bill for an Act entitled "An Act appropriating money for the relief and benefit of the Montana State Normal College."	229, 230, 312.
276	A Bill for an Act entitled "An Act to amend Section 402, Article V, Chapter III, Part III, Title I of the Political Code, providing for the distribution of published copies of the Senate and House Journals.".....	229, 230, 269, 332, 411, 435, 443, 499, 521, 557, 592.
277	A Bill for an Act to amend Sections 1 and 8, of Article 5 of Chapter 106, of the Laws of 1905, and providing for the payment of interest on cost of constructing drains where payment is extended for more than one year.	229, 230, 269, 345, 406, 415, 430, 541, 590, 591, 629.
278	A Bill for an Act entitled: "An Act to amend Section 1060 of the Code of Civil Procedure of the State of Montana, relating to challenges of jurors".....	253, 254, 292, 387, 552, 634, 661, 668.
279	A Bill for an Act entitled: "An Act providing for a commission for the promotion of uniformity of legislation in the United States, and for the payment of the necessary expenses of the members of such commission."...	253, 254, 330, 434, 536, 549, 611.
280	A Bill for an Act entitled: "An Act preventing the manufacture and sale of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and providing for the administration and enforcement thereof, and for the creation of the office of State Chemist prescribing and defining his duties and fixing the salary and expenses of said office.".....	253, 254, 315, 432, 494, 514, 537, 540, 595, 648.
281	A Bill for an Act entitled: "An Act to regulate plumbing in cities in the State of Montana, providing for the licensing of persons to carry on the business and work	

No.	TITLE OF ACT.	PAGE.
	of plumbing, creating a board of plumbing examiners, fixing the compensation of plumbing examiners and providing penalties for violation of the same.".....	253, 254, 324, 408, 443, 475, 488, 610.
282	A Bill for an Act entitled: "An Act approving certain duplicate bounty certificates and appropriating money for the payment thereof.".....	253, 254, 310, 431, 496, 504, 509, 613, 631.
283	A Bill for an Act entitled: "An Act to amend Sections 2350, 2351 and 2352 of the Code of Civil Procedure of the State of Montana, relating to the probate of foreign wills."	253, 254, 433, 516, 560, 578, 588, 647.
284	A Bill for an Act entitled: "An Act to amend Sections 280 and 282 of the Code of Civil Procedure of Montana, relating to the summoning of jurors.".....	253, 254, 310, 584.
285	A Bill for an Act entitled: "An Act to amend Section 4807 of the Political Code, relating to the contracts of Municipal Corporations.".....	253, 254, 292, 363, 409, 435, 470, 485, 569.
286	A Bill for an Act entitled: "An Act authorizing Board of County Commissioners in Counties of the first class to establish and maintain a Law Library and to provide for its care and maintenance.".....	253, 254, 349, 432, 532, 549, 554, 597.
287	A Bill for an Act entitled: "An Act to appropriate moneys out of the Fish and Game Fund for the extermination of carp in the Missouri River and its tributaries."	253, 254.
288	A Bill for an Act entitled: "An Act providing for a civil action on the part of the State for the abatement of public nuisances.".....	253, 254, 347, 454, 519.
289	A Bill for an Act entitled: "An Act to prohibit discrimination in the charges of telephone rentals in different cities and fixing the penalty for violation thereof."	253, 254, 562.
290	A Bill for an Act entitled: "An Act providing for the appointment of a special examiner to inquire into and investigate the affairs and conditions of private banks, bankers, or any banking corporation, or other corporations whether foreign or domestic, doing business in the State of Montana, and prescribing his powers and duties."	253, 285, 363, 432, 465.
291	A Bill for an Act entitled: "An Act to require railroad and express companies, doing business in the State of Montana, to maintain telephones in its offices, and to answer calls made over such telephone connection during business hours, and to provide a penalty for the violation of the provisions of this Act.".....	254, 276, 448, 467, 624, 625, 645.
292	A Bill for an Act entitled: "An Act regarding the as-	

INDEX TO HOUSE BILLS

XLI

No.	TITLE OF ACT.	PAGE.
	assessment of property and collection of taxes, and proceedings before county boards of equalization, the duties of assessors in carrying out orders of the Board of Equalization, and providing for appeals to the District Court from the county boards of equalization and also to the Supreme Court from the District Court, and for the enforcement and carrying into effect of the orders of judgment of the court.".....	262, 263, 330, 445, 466, 519, 519, 537, 547, 647.
293	A Bill for an Act entitled: "An Act to amend Sections 8 and 12 of Chapter 51 of the Laws of 1905, relating to the practice of Osteopathy contrary to law in the State of Montana, and providing a penalty therefor, and defining when evidence shall be deemed sufficient to constitute the practice of Osteopathy.".....	262, 263, 336, 445, 476, 498, 499, 507, 604, 605, 630.
294	A Bill for an Act entitled: "An Act relating to the confiscation by a railroad or railway company or common carrier of any coal or other merchandise, and to provide penalties for the violation of the provisions of this Act.".....	262, 263, 416.
295	A Bill for an Act entitled: "An Act to prohibit the playing on Sunday of base ball, foot ball and cricket within a distance less than one mile from the limits of any town of three hundred population or more.".....	263, 279, 323.
296	A Bill for an Act entitled: "An Act to amend Sections 494, 495, 496, 497, 498 and 499 of the Political Code of Montana as amended by Chapter C, Acts of 1903, relating to the State Examiner's office and fund."....	263, 291, 387, 476, 483, 536, 549, 555, 637, 660, 661, 677.
297	A Bill for an Act entitled: "An Act to amend Section IV of Chapter XXII, of the Laws of 1905, and for adding to said Act a Section to be numbered Section 6A, relative to Public Weighers and Public Scales.".....	263, 424, 467, 516, 558, 560, 578, 588, 626.
298	A Bill for an Act entitled: "An Act embodying the law of sales of goods, and to make uniform the law relating thereto."	263, 322, 432, 448, 454, 460.
299	A Bill for an Act entitled: "An Act to amend Section 950 of the Civil Code, as amended by Chapter 29 of the laws of 1905, approved Feb. 1, 1905.".....	263, 453, 550, 586, 596, 673, 679.
300	A Bill for an Act entitled: "An Act to prohibit gun clubs from the practice of competitive shooting within a less distance than one mile of any town or village of five hundred people or more.".....	267, 279, 324.
301	A Bill for an Act entitled: "An Act appropriating money for the claim of certain sheriffs of the State of Montana for expenses incurred in transporting prisoners	

No.	TITLE OF ACT.	PAGE.
232	A Bill for an Act to amend Section 1080 of the Code of Civil Procedure of Montana, and to repeal an Act approved February 15th, 1901, relating to the method of procedure in the trial of civil actions and review by the Supreme Court of errors in instructions.....	187, 188, 251, 270, 285, 299, 351, 419, 444, 445, 484.
233	A Bill for an Act to amend Section 2070 of the Penal Code of Montana, and to repeal an act approved February 15th, 1901, relating to method of procedure in the trial of criminal actions.....	187, 188, 305, 387, 409, 437, 559, 591.
234	A Bill for an Act relating to Bills of Exceptions and statements of the case, providing that the exceptions of the prevailing party shall be incorporated therein, and providing for review by the Supreme Court on appeal of such exceptions and the orders and rulings relating thereto.	187, 188, 251, 270, 291, 301, 419, 444, 445, 484.
235	A Bill for an Act to amend Section 1172 of the Code of Civil Procedure of Montana; to amend Section 1173 of the Code of Civil Procedure of Montana, as amended by an Act of the Ninth Legislative Assembly, entitled, "An Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana, approved March 4, 1905; and to amend Sections 1174 and 1176 of the Code of Civil Procedure of Montana, relating to practice on motions for a new trial.....	187, 188, 251, 270, 291, 302, 419, 444, 445, 484.
236	A Bill for an Act to amend Section 637 of the Code of Civil Procedure of the State of Montana, relating to publication of summons.....	187, 188, 287, 316, 332, 419, 444, 445, 484.
237	A Bill for an Act to amend Sections 1736, 1738 and 1739 of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court....	187, 188, 251, 271, 291, 302, 419, 444, 445, 484.
238	A Bill for an Act entitled "An Act to amend Section 2 of an Act approved March 1st, 1905, entitled An Act to repeal Sections 4, 6, 11, 12, 21, and 25 of House Bill No. 123 entitled An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game, approved March 8th, 1897, and to also repeal Sections 1, 2, 3 and 5 of the said Act as amended by House Bill No. 13, Session Laws of 1901, approved March 14, 1901, and to provide further protection to birds, fish, fur bearing animals and game.".....	187, 188, 383.
239	A Bill for an Act entitled "An Act to appropriate the	

INDEX TO HOUSE BILLS

XXXV

No.	TITLE OF ACT.	PAGE.
	sum of Ten Thousand Dollars, or so much thereof as may be necessary to be expended in securing proper ventilating facilities for the State Capitol, and particularly for the Senate Chamber, and the House of Representatives."	188, 227.
240	A Bill for an Act entitled: "An Act providing for the maintenance and care of indigent orphan children and foundlings, and making an appropriation for such purpose."	196, 198, 462, 529.
241	A Bill for an Act authorizing the appointment of a third assistant to the Attorney General, and authorizing the employment of an additional stenographer for the Attorney General's office.....	196, 198, 291, 371, 406, 415, 431, 521, 555, 557, 592.
242	A Bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment of Section 6, of Article XVI, of the Constitution of the State of Montana, relating to the terms of office of certain officers.....	196, 198, 275, 363, 400, 435, 439, 440.
243	A Bill for an Act to amend House Bill No. 203, entitled, "An Act to amend Section 4900 of the Political Code, relating to Legislative Powers of Cities, and to enable cities and towns to acquire, by purchase, condemnation proceedings, water plants, water supplies, franchises, public buildings and sewers," approved the 8th day of March, 1897; by eliminating therefrom that portion of Paragraph 64 thereof declared unconstitutional by the Supreme Court of the State of Montana.....	196, 198, 521, 563.
244	A Bill for an Act entitled: "An Act to prohibit the giving of free tickets, free passes or free transportation by common carriers in this state to certain public officials and to prohibit the giving or granting of franks or free privileges or special privileges by common carriers, express companies, telegraph companies and telephone companies to certain public officials and fixing the penalties for the violation thereof.".....	197, 198, 248, 339, 471.
345	A Bill for an Act entitled "An Act to provide for party nominations by direct vote."	197, 198, 363, 470, 577.
246	A Bill for an Act to repeal Section 4049 of the Political Code, and to enact in lieu thereof a Section to be numbered 4049 of the Political Code, providing for a lien on property used in any trade, occupation or business for which a license is required and for the seizure and sale of such property upon default in payment of such license.	197, 198, 275, 345, 405, 435, 441, 522.
247	A Bill for an Act to provide for the admission of Mutual Hail, Cyclone and Tornado Insurance Companies or Associations organized under the laws of another state.	197, 198, 478, 529, 560, 571, 578, 673, 678, 679.

No.	TITLE OF ACT.	PAGE.
248	A Bill for an Act entitled, "An Act to create an Immigration Bureau for the State of Montana; to provide for the management and control of the same; to appropriate money for the maintenance thereof; to permit County Commissioners to participate in Immigration Work and appropriate County Funds therefor."...	197, 198, 202, 410, 448, 449, 450, 480, 532, 561, 568.
249	A Bill for an Act to authorize and empower Foreign Corporations to exercise the right of eminent domain in Montana.	197, 198, 215, 251, 271, 285, 299, 376, 380, 380, 385, 496.
250	A Bill for an Act entitled: "An Act to amend an Act approved March 18, 1901, entitled, 'An Act creating the office of Inspector of Coal Mines, defining his duties and providing for his salary and providing penalties for the violation thereof,' creating the office of Coal Mine Inspector, and making the coal mine inspector ex officio the sealer of weights and measures of coal mines, and providing for his removal for cause, also providing for the payment of fees for inspecting coal mines and inspection of coal mine scales." Also defining the duties of said Coal Mine Inspector, providing for his salary and providing penalties for the violation thereof.".....	197, 198, 234, 359, 373, 404, 415, 429, 611, 612, 639, 640, 677.
251	A Bill for an Act entitled: "An Act to provide that the Board of County Commissioners of each County in the State, shall pass a resolution to be known as the "Annual Appropriation Resolution"; provide for a tax levy; to provide for each county officer to file with the said Board, an estimate of their annual expenses for the fiscal year; and to provide a county fiscal year....	197, 198, 363, 446, 476, 498, 505, 647.
252	A Bill for An Act providing that all graduates of the University of Montana, who have completed a certain amount of work in the Department of Psychology and Method, shall be entitled to teach in the Public Schools of the State, without other or further examination....	197, 198, 313, 408.
253	A Bill for an Act defining the crime of burglary with explosives and fixing the punishment therefor.....	221, 224, 251, 336, 348, 410, 435, 438, 475, 488, 579, 604, 605, 629.
254	A Bill for an Act to amend Section 1260, and to repeal Section 1261 of Chapter 5, and to amend Section 1411, Chapter 10 of the Political Code of the State of Montana, relative to Judges of Election.....	221, 224, 292, 445.
255	A Bill for an Act to amend Section 353 of the Penal Code of the State of Montana, relating to verdict of juries in murder trials.....	221, 224, 348, 450, 496, 504, 509, 673, 679.

INDEX TO HOUSE BILLS

XXXVII

No.	TITLE OF ACT.	PAGE.
256	An Act to amend Section 1 of an Act entitled "An Act to provide the conditions upon which foreign corporations may do business in this State and to repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana," approved March 9, 1901; and to add sub-division 7 to said Section 1, providing for the filing of alterations and amendments to the Charter or Articles of Incorporation of foreign corporations and for the filing of certificates of increase of capital stock or continuance of corporate existence, and for the payment of fees therefor.".....	221, 224, 336, 446, 472, 498, 505, 649, 655, 678.
257	A Bill for an Act entitled, "An Act for the submitting to qualified electors of the State of Montana, an amendment to Article XII, of the Constitution of the State of Montana, relating to the revenue and taxation, and providing for an increase in the Tax Levy.".....	221, 224, 432, 632, 633, 664, 668, 670, 679.
258	A Bill for an Act entitled: "An Act to amend Section 1 of Chapter 27 of the Acts of the Ninth Legislative Assembly, being an Act to authorize cities and towns to create special improvement districts, and to levy special assessments upon the property of such districts, for the purpose of defraying the cost of construction or acquiring a system of water works, and laying extensions to water mains, approved February 21, 1905.".....	221, 224, 279, 346, 498, 506, 597.
259	A Bill for an Act entitled: "An Act for the protection of the health of the men employed in underground mines and smelters, stamp mills, sampling works, concentrators or any works where ores or coal are mined, reduced, washed or treated, by regulating their hours of employment and providing penalties for the violation thereof; and repealing House Bill No. 1, (Sections 1 to 5 inclusive) of the Session Laws of 1901, entitled: "An Act for the protection of the health of the men employed in underground mines and in smelters, stamp mills, sampling works, concentrators, or any works where ores are mined or reduced, by regulating their hours of employment, and providing penalties for the violation thereof.".....	221, 224, 276, 346, 404, 415, 427, 579, 604, 605, 630.
260	A Bill for an Act entitled, An Act repealing Article 15, Chapter III, Part 3, Title 1, (Sections 580 to 590 inclusive) of the Political Code of the State of Montana; and providing for the qualification, appointment, salary and expense of the State Inspector of Mines and for the appointment, salary and expense of Deputy Mine Inspector; providing the inspection fees for the inspection of mines and for the payment and collection of the same; and providing the duties of the State Inspector of Mines.....	221, 224, 339, 468.
261	A Bill for an Act entitled: "An Act to amend Sections 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488,	

No.	TITLE OF ACT.	PAGE.
	2489, 2490 and 2491, Chapter Four, Part 2 of the Criminal Code of Montana relating to the examination of witnesses conditionally.".....	222, 224, 316, 431, 476, 498, 506, 579, 604, 605, 629.
262	A Bill for an Act entitled: "An Act to provide for the appointment of Commissioners to compile and arrange the Codes and Statutes of Montana, and to prescribe their duties and powers, and to provide for their compensation."	222, 224, 349.
263	A Bill for an Act entitled: "An Act to amend Section 4786 of the Political Code, relating to the duties of City Attorney.".....	222, 224, 349, 398.
264	A Bill for an Act entitled "An Act to amend Section 3780 of the Political Code, relating to County Boards of Equalization."	222, 224, 392, 490, 519, 520, 608, 616, 622.
265	A Bill for an Act entitled: "An Act to amend Section 3480 of the Political Code, as enacted by the Act of the 6th Legislative Assembly, approved March 1, 1899, and amended by the Act of the Eighth Legislative Assembly, approved February 25th, 1903, and to amend Section 3491 of the Political Code as enacted by the Act of the Sixth Legislative Assembly, approved March 1, 1899, relating to the sale and leasing of State Bonds.".	222, 224, 381.
266	A Bill for an Act entitled, "An Act to provide for the appointment of a Clerk for the office of State Mine Inspector and State Coal Mine Inspector.".....	222, 224, 291, 363, 449.
267	A Bill for an Act entitled "An Act providing for the establishment of Wash Houses at coal mines and providing penalties for the failure to comply with the same.	222, 224, 234, 316, 404, 415, 430, 585, 587, 639, 640, 677.
268	A Bill for an Act to amend Section 1900, and Section 1904 as amended by the Laws of 1897, Article 12, Chapter 6, Title 3, Part 3, of the Political Code of the State of Montana, relating to County Teachers' Institutes and to the means of raising funds to defray the expenses of such Institutes.....	228, 230, 313, 408, 519, 537, 546, 637, 660, 661, 677.
269	A Bill for an Act to amend Section 10, of Article 2, of Chapter 106, of the Laws of 1905, and providing when the fee of lands necessary to be taken for drains shall vest.	228, 230, 490, 519, 537, 546, 549, 664, 669, 670, 680.
270	A Bill for an Act entitled, "An Act prohibiting the use of firearms by children under the age of sixteen years.".	228, 230, 313, 454, 519, 537, 546, 579, 604, 605, 629.
271	A Bill for an Act entitled, An Act relating to banking,	

INDEX TO HOUSE BILLS

XXXIX

No.	TITLE OF ACT.	PAGE.
	brokerage, exchange, loan and deposit business and amending Section 986 of the Penal Code of the State of Montana.	228, 230, 251, 356, 406, 415, 427, 4, 521, 556, 592, 680.
272	A Bill for an Act to provide for the appointment of a Commissioner to compile and revise the Codes and other laws of Montana, to provide for the publication of such Codes, to provide for the compensation of such Commissioner and to make an appropriation therefor..	228, 230, 251, 345, 405, 415, 428, 521, 559,
273	A Bill for an Act entitled An Act to amend Section 2931 of the Code of Civil Procedure of the State of Monana, and to extend the Powers of the Clerk of the District Court in the absence of the Judge.....	228, 230, 293.
274	A Bill for an Act entitled, "An Act to provide for the sale of estrays.".....	228, 230.
275	A Bill for an Act entitled "An Act appropriating money for the relief and benefit of the Montana State Normal College."	220, 230, 312.
276	A Bill for an Act entitled "An Act to amend Section 402, Article V, Chapter III, Part III, Title I of the Political Code, providing for the distribution of published copies of the Senate and House Journals.".....	220, 230, 269, 332, 411, 435, 443, 499, 521, 557, 592.
277	A Bill for an Act to amend Sections 1 and 8, of Article 5 of Chapter 106, of the Laws of 1905, and providing for the payment of interest on cost of constructing drains where payment is extended for more than one year.	229, 230, 269, 345, 406, 415, 430, 541, 590, 591, 629.
278	A Bill for an Act entitled: "An Act to amend Section 1060 of the Code of Civil Procedure of the State of Montana, relating to challenges of jurors".....	253, 254, 292, 387, 552, 634, 661, 668.
279	A Bill for an Act entitled: "An Act providing for a commission for the promotion of uniformity of legislation in the United States, and for the payment of the necessary expenses of the members of such commission."...	253, 254, 330, 434, 536, 549, 611.
280	A Bill for an Act entitled: "An Act preventing the manufacture and sale of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and providing for the administration and enforcement thereof, and for the creation of the office of State Chemist prescribing and defining his duties and fixing the salary and expenses of said office.".....	253, 254, 315, 432, 494, 514, 537, 540. 595, 648.
281	A Bill for an Act entitled: "An Act to regulate plumbing in cities in the State of Montana, providing for the licensing of persons to carry on the business and work	

No.	TITLE OF ACT.	PAGE.
	of plumbing, creating a board of plumbing examiners, fixing the compensation of plumbing examiners and providing penalties for violation of the same.".....	253, 254, 324, 408, 443, 475, 488, 610.
282	A Bill for an Act entitled: "An Act approving certain duplicate bounty certificates and appropriating money for the payment thereof.".....	253, 254, 310, 431, 496, 504, 509, 613, 631.
283	A Bill for an Act entitled: "An Act to amend Sections 2350, 2351 and 2352 of the Code of Civil Procedure of the State of Montana, relating to the probate of foreign wills."	253, 254, 433, 516, 560, 578, 588, 647.
284	A Bill for an Act entitled: "An Act to amend Sections 280 and 282 of the Code of Civil Procedure of Montana, relating to the summoning of jurors.".....	253, 254, 310, 584.
285	A Bill for an Act entitled: "An Act to amend Section 4807 of the Political Code, relating to the contracts of Municipal Corporations.".....	253, 254, 292, 363, 409, 435, 470, 485, 569.
286	A Bill for an Act entitled: "An Act authorizing Board of County Commissioners in Counties of the first class to establish and maintain a Law Library and to provide for its care and maintenance.".....	253, 254, 349, 432, 532, 549, 554, 597.
287	A Bill for an Act entitled: "An Act to appropriate moneys out of the Fish and Game Fund for the extermination of carp in the Missouri River and its tributaries."	253, 254.
288	A Bill for an Act entitled: "An Act providing for a civil action on the part of the State for the abatement of public nuisances.".....	253, 254, 347, 454, 519.
289	A Bill for an Act entitled: "An Act to prohibit discrimination in the charges of telephone rentals in different cities and fixing the penalty for violation thereof."	253, 254, 562.
290	A Bill for an Act entitled: "An Act providing for the appointment of a special examiner to inquire into and investigate the affairs and conditions of private banks, bankers, or any banking corporation, or other corporations whether foreign or domestic, doing business in the State of Montana, and prescribing his powers and duties."	253, 285, 363, 432, 465.
291	A Bill for an Act entitled: "An Act to require railroad and express companies, doing business in the State of Montana, to maintain telephones in its offices, and to answer calls made over such telephone connection during business hours, and to provide a penalty for the violation of the provisions of this Act.".....	254, 276, 448, 467, 624, 625, 645.
292	A Bill for an Act entitled: "An Act regarding the as-	

INDEX TO HOUSE BILLS

XLI

No.	TITLE OF ACT.	PAGE.
	assessment of property and collection of taxes, and proceedings before county boards of equalization, the duties of assessors in carrying out orders of the Board of Equalization, and providing for appeals to the District Court from the county boards of equalization and also to the Supreme Court from the District Court, and for the enforcement and carrying into effect of the orders of judgment of the court.".....	262, 263, 330, 445, 466, 519, 519, 537, 547, 647.
293	A Bill for an Act entitled: "An Act to amend Sections 8 and 12 of Chapter 51 of the Laws of 1905, relating to the practice of Osteopathy contrary to law in the State of Montana, and providing a penalty therefor, and defining when evidence shall be deemed sufficient to constitute the practice of Osteopathy.".....	262, 263, 336, 445, 476, 498, 499, 507, 604, 605, 630.
294	A Bill for an Act entitled: "An Act relating to the confiscation by a railroad or railway company or common carrier of any coal or other merchandise, and to provide penalties for the violation of the provisions of this Act.".....	262, 263, 416.
295	A Bill for an Act entitled: "An Act to prohibit the playing on Sunday of base ball, foot ball and cricket within a distance less than one mile from the limits of any town of three hundred population or more.".....	263, 279, 323.
296	A Bill for an Act entitled: "An Act to amend Sections 494, 495, 496, 497, 498 and 499 of the Political Code of Montana as amended by Chapter C, Acts of 1903, relating to the State Examiner's office and fund."....	263, 291, 387, 476, 483, 536, 549, 555, 637, 660, 661, 677.
297	A Bill for an Act entitled: "An Act to amend Section IV of Chapter XXII, of the Laws of 1905, and for adding to said Act a Section to be numbered Section 6A, relative to Public Weighers and Public Scales.".....	263, 424, 467, 516, 558, 560, 578, 588, 626.
298	A Bill for an Act entitled: "An Act embodying the law of sales of goods, and to make uniform the law relating thereto."	263, 322, 432, 448, 454, 460.
299	A Bill for an Act entitled: "An Act to amend Section 950 of the Civil Code, as amended by Chapter 29 of the laws of 1905, approved Feb. 1, 1905.".....	263, 453, 550, 586, 596, 673, 679.
300	A Bill for an Act entitled: "An Act to prohibit gun clubs from the practice of competitive shooting within a less distance than one mile of any town or village of five hundred people or more.".....	267, 279, 324.
301	A Bill for an Act entitled: "An Act appropriating money for the claim of certain sheriffs of the State of Montana for expenses incurred in transporting prisoners	

No.	TITLE OF ACT.	PAGE.
	to the Penitentiary during the years 1905 and 1906."..	268, 346, 371, 392, 529, 537, 547, 584, 607, 630.
302	A Bill for an Act entitled: "An Act to amend Section 2097 of the Penal Code of the State of Montana, relating to trials in criminal cases.".....	268, 331, 432, 449, 475, 488, 579, 604, 605, 629.
303	A Bill for an Act entitled: "An Act to amend Sections 4642 and 4643 of the Political Code of the State of Montana, relating to the fees allowed by the Board of County Commissioners to Justices of the Peace and Constables, in criminal cases, and providing for a fee for the serving of summons.".....	268, 349, 454, 560, 578, 590, 647.
304	A Bill for an Act entitled: "An Act to amend Section 670 of Chapter 1, Title 4 of the Civil Code, relating to Insurance Companies.".....	268, 300, 387, 409, 435, 437, 521, 557, 592.
305	A Bill for an Act entitled: "An Act to provide for an additional Judge for the Fourth Judicial District so that there will hereafter be two Judges in said district, one of whom shall keep his chambers in the town of Hamilton, Ravalli County.".....	268, 303, 356, 379, 398, 402, 627, 640, 677.
306	A Bill for an Act entitled "An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and compensation thereof and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana.".....	268, 339, 431, 473, 504, 509, 648, 679.
307	A Bill for an Act entitled: "An Act appropriating the sum of Five Thousand Dollars, or so much thereof as may be necessary, for the installation of a power plant in connection with the State Capitol building for the generation of electricity to supply the State Capitol Building."	297, 278, 353, 477, 479.
308	A Bill for an Act entitled: "An Act providing for the initiative and referendum in cities and towns.".....	277, 278, 339, 450, 477, 498, 507, 664, 679.
309	A Bill for an Act entitled: "An Act regarding the organization, management, control and discipline of the police departments of cities and towns, and providing for an examining and trial board in connection therewith in cities of the first class; for the appointment of members of the department, and relating to the compensation of members of the department, and to other matters connected therewith.".....	277, 278, 323, 408, 447, 475, 489, 581, 582, 639, 640, 646, 677.
310	A Bill for an Act entitled: "An Act prescribing certain conditions to be complied with by all persons transact-	

INDEX TO HOUSE BILLS

XLIII

No.	TITLE OF ACT.	PAGE.
	ing business within the State of Montana, under a fictitious name or designation, not showing the name or names of persons interested.".....	277, 278, 390, 490, 519, 537, 547, 648, 660, 661, 677.
311	A Bill for an Act entitled "An Act to provide additional revenue for state purposes and to assess certain corporations on their gross earnings therefor.".....	277, 278, 415, 416, 516.
312	A Bill for an Act entitled: "An Act to amend Section 654 of the Political Code of the State of Montana, relating to the sale of poisons.".....	277, 278, 415, 516, 536, 549, 551, 649, 655, 664, 670, 680.
313	A Bill for an Act entitled: "An Act to amend Section 607 of the Political Code of the State of Montana, relating to the fees of candidates for examination for license to practice medicine and surgery in the State of Montana.".....	277, 278, 314, 408, 449, 475, 489, 579, 604, 605, 630, 669.
314	A Bill for an Act entitled: "An Act to amend Section 875 of the Political Code as amended by Senate Bill No. 75 of the Laws of 1897, relating to the salary of the Clerk of the Supreme Court and to increase the salary of the Superintendent of Public Instruction."..	277, 278, 351, 454, 499, 504, 510, 598, 613, 630.
315	A Bill for an Act entitled: "An Act to regulate the confiscation of Coal by railroads and common carriers and providing penalties for the violation of this Act.".....	277, 278, 311, 431, 448, 475, 489, 581, 582, 620, 621, 646.
316	A Bill for an Act entitled "An Act requiring corporations doing business in the State of Montana to pay an annual license fee.".....	277, 278, 415, 416, 396, 534, 549, 551, 626.
317	A Bill for an Act entitled "An Act to construct a fish ladder in Kootenai River, at Kootenai Falls, Montana, and appropriating money therefor.".....	277, 278, 337, 431, 476, 498, 508, 568, 573, 598, 620, 621, 646.
318	A Bill for an Act entitled: "An Act concerning bonds, recognizances and written undertakings entered into or taken by an officer.".....	277, 278, 310, 408, 634, 636, 642, 673, 679.
319	A Bill for an Act entitled: "An Act concerning the jurisdiction of District Courts and to amend Section 39 of the Code of Civil Procedure of the State of Montana."	278, 278, 312, 408, 634, 636, 642, 673, 678, 679.
320	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim of Rocky Moun-	

No.	TITLE OF ACT.	PAGE.
	tain Bell Telephone Company, account Fish and Game Fund."	284, 5, 6, 345, 371, 372, 379, 497, 507, 507, 569.
321	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim of Rocky Mountain Bell Telephone Company.".....	284, 5, 6, 346, 371, 387, 400, 497, 516, 517, 569.
322	A Bill for an Act entitled: "An Act appropriating money for the payment of claim of J. M. Lewis for service and expenses incurred.".....	285, 6, 346, 371, 387, 400, 497, 516, 517, 570.
323	A Bill for an Act entitled: "An Act appropriating money for the payment of Deficiency Claims, account requisitions."	285, 286, 346, 371, 387, 400, 497, 516, 517, 570.
324	A Bill for an Act to establish a State Livestock Sanitary Board; to provide for the appointment of Special Deputy State Veterinary Surgeons; to define the duties and powers of said State Livestock Sanitary Board and the duties and powers of the State Veterinary Surgeon and Deputies Veterinary Surgeon with the State Livestock Sanitary Board; to provide for the eradication of disease in domestic animals, their quarantine and sanitary inspection; to amend Section 3016 of the Political Code relating to the Stock Indemnity Fund; and to provide penalties for the violation of this Act.....	285, 286, 408, 449, 490, 494, 579, 581, 645, 677.
325	A Bill for an Act entitled, "An Act regulating the sale and providing for the inspection of oils used for illuminating and heating purposes, and in automobiles, establishing a standard test therefor and prescribing penalties."	288, 322, 408, 448, 475, 489, 582, 620, 621, 646.
326	A Bill for an Act entitled "An Act to amend Chapter 96 of the Acts of 1903 providing for the establishment of the Montana State Fair, for the appointment of a board of directors, executive officers, and for the conduct and management thereof.".....	288.
327	A Bill for an Act entitled: "An Act to promote the propagation of Fish and Game, and to provide for the appointment of County Game and Fish Commissioners."	294, 5, 477, 550, 576, 590, 593, 666.
328	A Bill for an Act entitled: "An Act relating to the valuation of the property of railroads, for all purposes of rate regulation, by the Board of Railroad Commissioners, or the courts, and providing rules of evidence relating to the same.".....	294, 5, 446, 476, 504, 510.
329	A Bill for an Act entitled "An Act to regulate the appropriation of water in streams in which the rights there-	

INDEX TO HOUSE BILLS

XLV

No.	TITLE OF ACT.	PAGE.
	in have been adjudicated.".....	294, 6, 351, 413, 445, 495, 512, 525, 664, 678.
330	A Bill for an Act entitled: "An Act to establish a Board of Fire Insurance Commissioners for the State of Montana; to define their powers and duties in the matter of adjusting and regulating rates, charges and premiums of insurance upon property by fire insurance corporations and companies; and to provide remedies for the enforcement of this Act and penalties for the violation thereof.".....	294, 6, 500, 576, 608, 610.
331	A Bill for an Act entitled: "An Act to regulate the practice of barbering in the State of Montana; to establish a State Board of Barber Examiners, and to provide for sanitary inspection of Barber Shops.".....	294, 6, 466.
332	A Bill for an Act entitled: "An Act to amend Sections 1 and 3 of an Act of the Seventh Legislative Assembly, entitled: "An Act relative to the powers and duties of Justices of the Peace and fixing their compensation in certain townships.".....	294, 6.
333	A Bill for an Act entitled: "An Act to amend Section 4044 of the Political Code of Montana as amended by Chapter XCII, Laws of 1903, relating to licenses."...	294, 6, 382, 435, 455, 535, 549, 553, 611, 621, 646.
334	A Bill for an Act entitled: "An Act to provide for the division of the various counties into districts to be known as Commissioners' Districts.".....	294, 6, 424.
335	A Bill for an Act entitled: "An Act to amend Section 1763 of Chapter II, Title XIII, Part II, of the Code of Civil Procedure of the State of Montana, relating to appeals to District Courts.".....	294, 6, 348, 445, 536, 549, 553, 673, 679.
336	A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of Powell County, against the State of Montana on account of money expended in prosecuting an inmate of the State Prison."	294, 6, 391, 390, 490, 549, 554, 626.
337	A Bill for an Act entitled: "An Act to amend Section 4756 of the Political Code, relating to officers of elections, places of voting and election districts, and election matters in municipal corporations.".....	294, 6, 367, 445, 499, 512, 526, 673, 679.
338	A Bill for an Act entitled: "An Act regulating the payment of expenses of State and County officers; defining offenses in relation thereto, and prescribing punishment for such offenses.".....	294, 6, 353, 446, 496, 562.
339	A Bill for an Act entitled: "An Act limiting the liabilities of incorporated cities or towns for damages from	

No.	TITLE OF ACT.	PAGE.
	2489, 2490 and 2491, Chapter Four, Part 2 of the Criminal Code of Montana relating to the examination of witnesses conditionally.".....	222, 224, 316, 431, 476, 498, 506, 579, 604, 605, 629.
262	A Bill for an Act entitled: "An Act to provide for the appointment of Commissioners to compile and arrange the Codes and Statutes of Montana, and to prescribe their duties and powers, and to provide for their compensation."	222, 224, 349.
263	A Bill for an Act entitled: "An Act to amend Section 4786 of the Political Code, relating to the duties of City Attorney.".....	222, 224, 349, 398.
264	A Bill for an Act entitled "An Act to amend Section 3780 of the Political Code, relating to County Boards of Equalization."	222, 224, 392, 490, 519, 520, 608, 616, 622.
265	A Bill for an Act entitled: "An Act to amend Section 3480 of the Political Code, as enacted by the Act of the 6th Legislative Assembly, approved March 1, 1899, and amended by the Act of the Eighth Legislative Assembly, approved February 25th, 1903, and to amend Section 3491 of the Political Code as enacted by the Act of the Sixth Legislative Assembly, approved March 1, 1899, relating to the sale and leasing of State Bonds."	222, 224, 381.
266	A Bill for an Act entitled, "An Act to provide for the appointment of a Clerk for the office of State Mine Inspector and State Coal Mine Inspector.".....	222, 224, 291, 363, 449.
267	A Bill for an Act entitled "An Act providing for the establishment of Wash Houses at coal mines and providing penalties for the failure to comply with the same.	222, 224, 234, 316, 404, 415, 430, 585, 587, 639, 640, 677.
268	A Bill for an Act to amend Section 1900, and Section 1904 as amended by the Laws of 1897, Article 12, Chapter 6, Title 3, Part 3, of the Political Code of the State of Montana, relating to County Teachers' Institutes and to the means of raising funds to defray the expenses of such Institutes.....	228, 230, 313, 408, 519, 537, 546, 637, 660, 661, 677.
269	A Bill for an Act to amend Section 10, of Article 2, of Chapter 106, of the Laws of 1905, and providing when the fee of lands necessary to be taken for drains shall vest.	228, 230, 490, 519, 537, 546, 549, 604, 609, 670, 680.
270	A Bill for an Act entitled, "An Act prohibiting the use of firearms by children under the age of sixteen years."	228, 230, 313, 454, 519, 537, 546, 579, 604, 605, 629.
271	A Bill for an Act entitled, An Act relating to banking,	

INDEX TO HOUSE BILLS

XXXIX

No.	TITLE OF ACT.	PAGE.
	brokerage, exchange, loan and deposit business and amending Section 986 of the Penal Code of the State of Montana.	228, 230, 251, 356, 406, 415, 427, 4, 521, 556, 592, 680.
272	A Bill for an Act to provide for the appointment of a Commissioner to compile and revise the Codes and other laws of Montana, to provide for the publication of such Codes, to provide for the compensation of such Commissioner and to make an appropriation therefor..	228, 230, 251, 345, 405, 415, 428, 521, 559,
273	A Bill for an Act entitled An Act to amend Section 2931 of the Code of Civil Procedure of the State of Monana, and to extend the Powers of the Clerk of the District Court in the absence of the Judge.....	228, 230, 293.
274	A Bill for an Act entitled, "An Act to provide for the sale of estrays.".....	228, 230.
275	A Bill for an Act entitled "An Act appropriating money for the relief and benefit of the Montana State Normal College."	229, 230, 312.
276	A Bill for an Act entitled "An Act to amend Section 402, Article V, Chapter III, Part III, Title I of the Political Code, providing for the distribution of published copies of the Senate and House Journals.".....	229, 230, 269, 332, 411, 435, 443, 499, 521, 557, 592.
277	A Bill for an Act to amend Sections 1 and 8, of Article 5 of Chapter 106, of the Laws of 1905, and providing for the payment of interest on cost of constructing drains where payment is extended for more than one year.	229, 230, 269, 345, 406, 415, 430, 541, 590, 591, 629.
278	A Bill for an Act entitled: "An Act to amend Section 1060 of the Code of Civil Procedure of the State of Montana, relating to challenges of jurors".....	253, 254, 292, 387, 552, 634, 661, 668.
279	A Bill for an Act entitled: "An Act providing for a commission for the promotion of uniformity of legislation in the United States, and for the payment of the necessary expenses of the members of such commission."...	253, 254, 330, 434, 536, 549, 611.
280	A Bill for an Act entitled: "An Act preventing the manufacture and sale of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and providing for the administration and enforcement thereof, and for the creation of the office of State Chemist prescribing and defining his duties and fixing the salary and expenses of said office.".....	253, 254, 315, 432, 494, 514, 537, 540, 595, 648.
281	A Bill for an Act entitled: "An Act to regulate plumbing in cities in the State of Montana, providing for the licensing of persons to carry on the business and work	

No.	TITLE OF ACT.	PAGE.
	the State Treasurer to make Quarterly Reports to the Governor	341, 491, 529, 559, 578, 589, 676.
357	A Bill for an Act entitled. "An Act to authorize and empower cities of the first class to provide and maintain a Hospital for the care of emergent cases and to provide for the support and maintenance of such hospital."	341, 406, 550, 576, 590, 595.
358	A Bill for an Act entitled: "An Act to amend Section 3960, Chapter 10, Title 10, Part 3, of the Political Code of the State of Montana, relating to Poll Tax."	341, 468, 550, 586.
359	A Bill for an Act to amend Section 410 of the Civil Code relating to the purchase of property and the issuance of stock of corporations in payment of property purchased."	355, 356.
360	A Bill for an Act entitled: "An Act regulating the hours of labor in State Institutions."	355, 356, 414, 559, 578, 589.
361	A Bill for an Act entitled: "An Act for levy of a special tax on fruit trees, and how it shall be collected and disbursed, and to be known as the "Horticultural Fund."	355, 356, 412.
362	A Bill for an Act entitled: "An Act to amend Section 9 of an Act to create the Montana State Board of Horticulture, to prescribe its duties and powers and to appropriate the money therefor;" approved February 17th, 1899; and as amended by the Act of March 14th, 1901; and as amended by the Act of March 6th, 1903; and as amended by the Act of March 3rd, 1903."	355, 356, 412.
363	A Bill for an Act entitled: "An Act to amend Section 1, Sub-division 2 of Sec. 2, Sub-division 4 and 6 of Section 15, of an Act entitled, "An Act to create the office of Meat & Milk Inspector for the State of Montana and prescribing their powers and duties and compensation therefor" and repealing all Acts and parts of Acts in conflict therewith."	355, 356, 399, 490, 520, 530, 653, 655, 668, 676.
364	A Bill for an Act to pay employees of the Senate and House as provided in Section 209, Part 3, Title I, Chapter 2, Article 4 and as provided for in Section 223, Part 3, Title I, Chapter 2, Article 5 of the Political Code of the State of Montana."	356, 454, 536, 549, 554, 648, 660, 661, 677.
365	A Bill for an Act entitled: "An Act authorizing and empowering the Carey Land Act Board to secure cancellation of the bonds issued for the reclamation of arid lands, under the Carey Congressional Act, and accept bonds in payment for canals, waterrights, lands and appurtenances, and execute deeds therefor and to compromise claims, and make contracts for the reclamation and settlement of said arid lands."	356, 413, 516, 536, 549, 553, 585, 607, 630.

INDEX TO HOUSE BILLS

XLIX

No.	TITLE OF ACT.	PAGE.
366	A Bill for an Act entitled "An Act to create and establish a Board of railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.".....	356, 357.
367	A Bill for an Act entitled: "An Act to amend Section 448 of the Civil Code of the State of Montana as amended by an Act entitled 'An Act to amend Section 448 of the Civil Code of the State of Montana relating to the meetings of stockholders and Board of Directors of Corporations', approved February 24th, 1899, relating to the meetings of stockholders and Board of Directors of corporations.....	357, 422, 516, 558, 578, 592, 637, 660, 661, 677.
368	A Bill for an Act entitled: "An Act appropriating money for the reimbursement of organized water users' associations for fees paid the Secretary of State on filing Articles of Incorporation and issuance of certificate of incorporation prior to the passage and approval of an Act entitled, 'An Act providing that water users' associations organized in conformity with the requirements of the laws of the United States and the State of Montana for the furnishing of water only to its shareholders, shall be exempt from incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such articles and issuing certificate of incorporation.'"	357, 538, 661.
369	A Bill for an Act entitled: "An Act providing for the disposition of moneys received from the sale of estrays."	365, 374, 374, 390, 454, 534, 535, 637, 660, 661.
370	A Bill for an Act to repeal House Bill No. 147, Session Laws of the Seventh Legislative Assembly providing for the appointment of a State Game & Fish Warden and Special Deputy Game & Fish Warden, and to repeal Chapter Fifty-Seven, Session Laws of 1905, relating to Fish & Game Licenses, and to provide for the disposition of money remaining in the Fish & Game Fund to provide for the licensing of non-resident hunters, and penalties for the violation of Fish & Game Laws and making it the duty of the Sheriff and Deputy Sheriffs to enforce the Fish & Game Laws.".....	365, 374, 452.
371	A Bill for "An Act permitting the killing of beaver at all seasons of the year.".....	365, 374, 391, 500, 501, 551, 576, 590, 595, 634, 636, 642, 674, 676, 681.
372	A Bill for an Act entitled, "An Act appropriating the sum of Fifty Thousand Dollars, or so much thereof as may be necessary for the payment of salaries and other expenses of the State Railroad and Warehouse Commission and its employees.".....	373, 374

No.	TITLE OF ACT.	PAGE.
373	A Bill for an Act entitled: "An Act appropriating the sum of Five Thousand Dollars, or so much thereof as may be necessary for the construction of a brick sidewalk on the State Capitol Grounds.".....	373, 374, 479, 480, 646.
374	A Bill for an Act to provide for the publication of public acts of legislative sessions, and appropriating money to defray the cost thereof.	373, 374, 599.
375	A Bill for an Act entitled: "An Act to create the County of Daly, designate its boundaries and provide for its organization and government.".....	373, 374, 533.
376	A Bill for an Act entitled: "An Act appropriating money from the general fund to be placed to the credit of the Stock Indemnity Fund.".....	373, 374, 399, 516, 537, 548, 627, 640.
377	A Bill for an Act entitled: "An Act to repeal Section 681 of the Civil Code of the State of Montana respecting the taxation of insurance Companies on their excess premiums."	373, 374, 498.
378	A Bill for an Act entitled: "An Act to amend Section 3498 of the Political Code as enacted by House Bill No. 45, approved March 1, 1899, relating to the investment of permanent School Fund, and the permanent funds of State Institutions of Learning.".....	373, 374, 399, 490, 519, 537, 548, 568.
379	A Bill for an Act providing an open and closed season for the killing of deer.".....	373, 374, 396, 520, 537, 548, 611, 621, 646.
380	A Bill for an Act entitled, "An Act to authorize the Secretary of State to purchase Five Hundred (500) copies of the complete Codes and Statutes of the State of Montana in force July 1, 1895, and making an appropriation therefor.".....	373, 374, 556, 575.
381	A Bill for an "Act to authorize the outstanding of disputed evidence of indebtedness of Cities and Towns issued for Municipal purposes and now held or owned by bona fide holders thereof for value and the issuance of funding bonds therefor.".....	374, 375, 570, 606.
382	A Bill for "An Act providing for the custody by relatives or the detention in the State Asylum for the Insane or the State Penitentiary of persons who are criminally insane when acquitted upon trial by jury on the ground of Insanity.".....	377.
383	A Bill for an Act entitled: "An Act to create the office of State Railway Track and Road Bed Inspector for the State of Montana and prescribing his powers and duties and fixing compensation therefor.".....	377, 532.
384	A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of L. B. Stark for \$160.00	

INDEX TO HOUSE BILLS

LI

No.	TITLE OF ACT.	PAGE.
	erroniously paid the State by him under a void lease of State lands.".....	380, 394, 414.
385	A Bill for an Act entitled: "An Act to repeal an Act to amend Sections 3070, 3071, 3072 and 3076, of the Political Code of Montana, as amended by an Act approved March 6th, 1903; relating to the bounties for the killing of certain wild animals, approved March 1st, 1905.".....	380, 394, 481, 550, 586.
386	A Bill for an "Act creating a Commission to provide for the display of the resources of Montana at the Alaska-Yukon-Pacific Exposition at Seattle, Washington, in 1909; to define its duties and powers, and to make an appropriation therefor.".....	380, 394, 414, 490, 529, 549, 553, 610.
387	A Bill for "An Act appropriating money for the payment of certain claims for expenses incurred by the committee appointed to investigate the car and coal shortage in Montana.".....	380, 394, 399, 490, 519, 537, 548, 584, 607, 630.
388	A Bill for "An Act appropriating money for the payment of claim of S. A. D. Hahn, for services.".....	383, 394, 399, 490, 519, 537, 549, 584, 613, 630.
389	A Bill for an Act entitled, "An Act relating to the licensing of peddlers and canvassers of agricultural and domestic implements and machinery and other articles, and to repeal Chapter LVI of the Laws of 1903, relating to the same.".....	384, 394, 416.
390	A Bill for an Act entitled, "An Act appropriating money for the payment of a balance due on mileage allowed by law to Sheriffs for transporting prisoners to the State Prison during the years of 1903 and 1904.".....	384, 394, 432, 433, 469, 529, 556, 571, 578, 611, 621.
391	A Bill for an Act entitled: "An Act providing for temporary floors and safe scaffoldings in buildings during the erection thereof, for the protection of the persons working thereof.".....	393, 394, 465, 537, 560, 608, 616, 621.
392	A Bill for an Act entitled: "An Act concerning Notaries Public who are stockholders, directors, officers or employees of banks or other corporations.".....	393, 394.
393	A Bill for an Act entitled: "An Act to provide for the distribution to and among the various Counties entitled thereto, of the money derived from Forest Reserves in the State of Montana, under an Act of Congress approved June 30th, 1906.".....	393, 394, 416, 537, 551, 579, 620, 621, 646.
394	A Bill for an Act to provide for the payment of bounties for the killing of certain birds of prey and appropri-	

No.	TITLE OF ACT.	PAGE.
	ating money for the payment thereof and also prescribing penalties for making false claims.....	393, 394, 416, 516, 536.
395	A Bill for an Act providing license for dogs and prescribing penalties.	393, 395, 491, 529, 560.
396	A Bill for an Act entitled: "An Act making it unlawful for any person owning or having sheep in charge to herd or permit the same to be herded on the land or possessory claims of other persons, or to herd the same or permit the same to be herded or grazed within two miles of the dwelling house of the owner of any land or possessory claim.".....	393, 395, 517, 530.
397	A Bill for an Act to amend Chapter XII of Title X of Part III of the Political Code by adding thereto a Section to be known as Section Number 4027.....	407, 417, 529, 571, 579, 611.
398	A Bill for an Act entitled: "An Act to be known as the No-Treat Law to prevent the contamination or other evil influence of the treat habit.".....	407, 417, 468, 529, 560.
399	A Bill for an Act entitled: "An Act to provide for the sale of all lands acquired by the State of Montana, under and by virtue of the provisions of Chapter 118, Session Laws of 1909.".....	407, 417, 501, 576, 608, 615, 618, 673, 678, 679.
400	A Bill for an Act entitled: "An Act to repeal Sections 4073 and 4076 of the Political Code of the State of Montana relating to licenses and to repeal Section 4075 of the Political Code of the State of Montana, as amended by the Act approved March 6th, 1897, relating to licenses.".....	407, 417, 467.
401	A Bill for an Act entitled: "An Act to prescribe the hours of labor for prison guards employed at the State Prison, and providing penalties for the violation thereof."	417, 468, 550, 586, 590, 595, 664, 669, 670.
402	A Bill for an Act entitled: "An Act appropriating money for the repairing of the roof of the State Arsenal at Helena, Montana.".....	417, 479, 550, 608, 615, 619, 664, 669, 670, 680.
403	A Bill for an Act entitled: "An Act to protect the traveling public from being compelled to eat adulterated foodstuffs served in hotels, restaurants and boarding-houses in the State of Montana, without having due notice thereof.".....	417, 466, 550, 572, 595, 609, 623, 624, 647, 667, 674, 680, 681.
404	A Bill for an Act entitled: "An Act to provide that the National Flag be unfurled, displayed and kept floating upon the grounds of the State Capitol Building, and to	

INDEX TO HOUSE BILLS

LIII

No.	TITLE OF ACT.	PAGE.
	authorize and direct the Secretary of State to have erected a suitable flagstaff and provide suitable flags therefor, and to provide for the payment of the necessary expenses incident thereto.".....	435, 453, 550, 608, 616, 621, 664, 669, 670, 680.
405	A Bill for an Act entitled: "An Act to establish a sub-experimental Station near Lewistown, Montana, and providing for the acquisition or acceptance of title to the land for the same and the direction thereof.".....	435, 453, 550, 572, 578, 592, 626, 647, 664, 677, 678.
406	A Bill for an Act entitled: "An Act embodying and to make uniform the law of warehouse receipts.".....	446, 450, 454, 537, 560, 596, 647.
407	A Bill for an Act entitled: "An Act authorizing and directing the transfer of certain moneys from the Fish and Game Fund to the General Fund, and appropriating money so transferred to pay for a grand stand and make additional improvements at the State Fair Grounds."	450, 454, 628.
408	A Bill for an Act entitled: "An Act to amend Sections 220, 221 and 222 and repeal Section 224 of Chapter 2 of Article 5 of the Political Code of the State of Montana, relating to the compensation of members, officers and employees of the Legislative Assembly."....	450, 454, 550, 586.
409	A Bill for an Act making appropriations for the Executive and Judicial Department of the State Government for two years, namely from February 28, 1907, to Feb. 28, 1908, and from Feb. 28, 1908, to Feb. 28, 1909.	460, 461, 494, 550, 572, 601, 608, 605, 614, 648, 650, 652, 654, 656, 664, 680, 681.
410	A Bill for an Act entitled: "An Act to repeal Section 4061 of the Political Code of Montana relating to licenses."	480, 492, 501.
411	A Bill for an Act entitled: "An Act appropriating money for the erection and completion of a Women's Building, Hospital Building and an additional wall at the State Prison at Deer Lodge, Montana.".....	492, 494, 513, 550, 572, 578, 593, 648, 660, 661, 677.
412	A Bill for an Act entitled: "An Act appropriating money to defray the expenses of a joint committee appointed to investigate the State Prison at Deer Lodge."	492, 494, 513, 576, 608, 616, 622, 674, 678, 679.
413	A Bill for an Act entitled: "An Act making appropriations for the State Institutions of Montana, for the period ending February 28, 1908, and February 28, 1909."	513, 576, 606, 614, 666, 667, 678.

No.	TITLE OF ACT.	PAGE.
414	A Bill for an Act relating to corporate banks and banking.	528, 550, 572, 609, 616, 622, 674, 675, 690, 681.
415	A Bill for an Act entitled, "An Act to amend Section 443 of the Political Code of Montana, relating to bonds to be given the State Treasurer.".....	549, 575, 606, 634, 636, 642, 673, 679.
416	A Bill for an Act entitled: "An Act providing for the creation of herding districts for live stock, and prohibiting live stock from running at large therein, and prescribing penalties."	555, 557, 558, 592, 609, 615, 618, 647.
417	A Bill for an Act entitled: "An Act providing for the publication of the names of persons nominated for election for Public Office.".....	555, 558, 570, 606.
418	A Bill for an Act entitled: "An Act repealing Sections 2990, 3046 and 3076 of the Political Code, and all Acts amendatory thereof, or supplemental to said Sections and which provide for special taxes on cattle, horses, asses and sheep.".....	571, 575, 606, 634, 636, 643, 673, 680, 681.
419	A Bill for an Act to add additional Section to Article II, Title II, Part IV of the Political Code of Montana, relating to County Printing to be designated as Section 4234, providing for a penalty for violation of Section 4233 of the Political Code.....	571, 574, 606, 634, 636, 643, 654.
420	A Bill for an Act entitled: "An Act prohibiting the publication in newspapers, other papers, or otherwise, of offensive, improper and obscene advertising or other matter, and providing for prosecutions and penalties."	583, 586, 606, 641, 644, 673, 679.
421	A Bill for an Act to amend Chapter CXX, Laws of 1903, relating to the office of Meat & Milk Inspector and prescribing their powers, duties and compensation.....	597, 600, 616, 635, 641, 645.
422	An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Tenth Legislative Assembly of the State of Montana.....	607, 632, 664, 664, 677.
423	A Bill for an Act entitled: "An Act appropriating money for the payment of Miss Gertrude Pritchett for services."	615, 621, 666, 670, 671, 676.
424	A Bill for an Act to amend Section 310, Division I, Part III, Title II, Chapter II, Civil Code of the State of Montana, concerning the adoption of minor children...	657, 658, 659, 662, 663, 671.

INDEX TO HOUSE JOINT MEMORIALS AND RESOLUTIONS.

No.	TITLE OF ACT.	PAGE.
1	Petitioning Congress to enact such legislation as will result in the opening of Fort Peck Indian Reservation...	31, 32, 346, 370, 387, 397, 521, 550, 592.
2	Authorizing the Secretary of State to make exchange of the Codes of Montana.....	197, 198, 240, 314, 370, 387, 400, 521, 573, 574, 629.
3	Application to Congress for direct election of U. S. Senators by the people.....	223, 537, 576.
4	Relating to the incorporation by the general government within forest reserves, of vast areas within our state..	229, 345, 370, 387, 400, 523, 528, 573, 574, 629.
7	Relating to settlement of public lands in State of Montana.	278, 391, 490, 516, 537, 543, 585, 620, 621, 646.
8	Relating to Contract for furnishing water for State Capitol	373, 374, 406, 516, 537, 544, 611, 620, 621, 646.
9	Relating to the strike of the Employees of the Rocky Mountain Bell Telephone Company.....	393, 421.
10	Resolutions on the Death of Hon. A. Sterne Blake.....	512.

INDEX TO SENATE BILLS

No.	TITLE OF ACT.	PAGE.
1	An Act entitled: "An Act appropriating money for the relief and benefit of the Montana State Normal College."	280, 310, 333, 395, 404.
4	A Bill for an Act entitled "An Act to legalize outstanding bonds and warrants of counties heretofore issued for the purpose of paying for the construction of highways, bridges and public buildings.....	159, 185, 206.
6	A Bill for an Act governing the manner of locating, recording and holding possession of Mining Claims upon the Public Domain of the United States within the State of Montana.....	192, 238, 258.
7	A Bill for an Act to amend Section 1192 of the Penal Code of the State of Montana, making it unlawful to wrongfully and without authority to use the name, title of officers, insignia, ritual or ceremonies of certain orders and societies, and providing punishment for the violation of the provisions of this Act.....	241, 259, 271, 283, 338, 405.
8	A Bill for an Act entitled "An Act to amend Section 1884 of the Civil Code of the State of Montana, relating to the use of surplus waters by prior appropriators."....	319, 333, 360, 380, 381, 389, 397, 464, 490.
9	A Bill for an Act to amend Section 1520 of the Political Code of the State of Montana relating to the duties of the State Superintendent of Public Instruction, regarding the revocation of State and Life Diplomas and the issuance of Temporary State Certificates.....	142, 157, 174.
11	A Bill for an Act entitled: "An Act to amend Section 4064 of the Political Code of the State of Montana as said Section is amended by House Bill No. 80 of the Seventh Legislative Assembly of Montana approved March 4, 1901, and to repeal Sections 4072, 4060, 4073, 4078, 4080 of the Political Code of Montana, and to repeal Section 4075 of the Political Code of Montana, as amended by House Bill No. 162 of the Fifth Legislative Assembly, approved March 6th, 1897, relating to Merchants Professional and occupation licenses.....	152, 153, 194, 241, 266, 272, 281, 318.
13	A Bill for an Act to amend an Act entitled "An Act to amend the act entitled "An Act to prevent wrongs to children and Dumb Animals, and to establish a bureau of Child and Animal Protection approved March 7, 1903, and to repeal sections 1, 2, 3, 4, 5, 7 and 8 of such Act," approved March 4, 1905.....	200, 203, 228, 266, 281, 319, 338.
14	A Bill for an Act to amend Sections 32 of the Code of	

INDEX TO SENATE BILLS

L.VII

No.	TITLE OF ACT.	PAGE.
	Civil Procedure of the State of Montana, as said section is amended by an Act approved March 11, 1901; "An Act to amend Section 32, Title 1, Part 1, Chapter IV of the Code of Civil Procedure, and to provide for an additional Judge for the second Judicial district of the State of Montana," relating to the election and term of office of District Judges.....	303, 346, 361, 307.
15	A Bill for an Act entitled: "An Act to prevent the obstruction, blockading or interfering with the free use of public highways where the said highways cross any railroad track outside of incorporated cities and towns, within the state of Montana, and providing penalty therefor."	152, 153, 314, 333, 300, 395, 453.
16	A Bill for an Act entitled "An Act to amend Section IV of an Act entitled "An Act relating to Municipal Indebtedness, and repealing Section 4970, 4971, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980 and 4981 of the Political Code of the State of Montana, approved March, 6, 1897.....	200, 203, 249, 266, 282, 318.
17	A Bill for an Act authorizing and directing the transfer of all records and papers in any action or proceeding affecting real property in any new County heretofore created or hereafter created, and providing the method of transferring and certifying such records.....	152, 153, 249, 266, 282, 338.
19	A Bill for an Act entitled: "A Bill for an Act appropriating money for the payment of M. S. Gunn for legal services rendered in the matter of litigation involving the validity of bonds issued, and to be issued, against the State Normal college Land Grant.....	152, 153, 220, 274.
20	A Bill for an Act to amend Section 4632, Part IV, Title II, of the Political Code of the State of Montana relating to Fees of Notaries Public.....	311, 346, 362, 395.
21	A Bill for an Act entitled: "An Act to amend Section 552 of Article XIV, of Chapter III, of Title I, of Part III, of the Political Code of the State of Montana, relating to the Inspector of Boilers.".....	225, 324, 346, 362, 453.
24	A Bill for an Act to amend Section 4120 of the Political Code of Montana defining the boundaries of Fergus County, Montana, so as to include the territory acquired by it under the provisions of an Act entitled "An Act providing for the extension of the northern boundary of Fergus County," Approved March 14, 1899.	200, 204, 291, 346, 365, 404.
25	A Bill for an Act entitled: "An Act to amend Chapter XXXII of the laws of 1903, relating to annual reports of corporations."	256, 293, 346, 390, 495, 502, 521.
27	A Bill for an Act entitled: "An Act relating to the selection of indemnity school lands and lands granted to all of the State institutions of learning, and for pub-	

No.	TITLE OF ACT.	PAGE.
	lic buildings in Montana.".....	319, 333, 360.
28	A Bill for an Act to establish County Free High Schools and provide for their maintenance "approved March 3, 1899, and repealing an Act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17 and 19 and to repeal Sections 21 and 22 of Substitute for House Bill No. 69 "An Act to establish County Free High Schools and to provide for their maintenance, approved March 3, 1899, and to renumber certain sections of said Act, approved March 14, 1901, also repealing Chapter LXIL of the Laws of 1903 entitled An Act to amend Sections 2 and 3 of Senate Bill No. 37 as enacted by the Seventh Legislative Assembly of the State of Montana relating to the election of Trustees of the County High Schools, approved March 5, 1903, and to validate everything done under any of said acts of March 3, 1899, March 14, 1901, and March 5, 1903.....	200, 204, 227, 266, 282, 319, 338.
29	A Bill for an Act entitled an Act to amend Section 1. of Chapter XXIX of Session Laws of 1905, approved February 21, 1905, entitled "An Act to amend sections 950-953, Title VIII, Chapter III, Part IV, Division I of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of Live Stock.....	200, 204, 453, 495, 502, 529, 532.
30	A Bill for an Act entitled An Act to provide for the incorporation, management and regulation of mutual companies for the insurance of the property of the members against loss or damage by fire or the elements.	200, 204, 217, 241, 283, 319, 338.
32	A Bill for an Act entitled: "An Act to provide for the nomination of candidates at a direct vote at a primary election; to provide the method of adopting such Act in any County or City and to amend Sections 1206 of the Political Code as amended by the laws of 1899, and 1260 of Political Code, approved March 6, 1905, and to make the provisions of the general registration and election laws of the State applicable to the counties having adopted the above act.....	152, 153, 217, 241, 258, 318, 341, 396, 516.
35	A Bill for an Act to amend Section 1270, 1355, 1360, 1408, 1410, 1412, 1413, and 1414 of the Political Code of the State of Montana, and Sections 1354 and 1361 of the same Code, as amended by House Bill No. 59 of the Laws of 1901, approved March 7, 1901, relating to ballots, voting and election returns, and providing further protection for the voter while preparing his ballot and casting the same.....	264, 363, 442, 447, 501, 516, 521, 583, 584, 585.
38	A Bill for an Act entitled "An Act to validate the original acts of Notaries public within the State of Montana, which acts have been performed since the 15th day of February, 1895.".....	152, 153, 311, 346, 366, 395, 404.

INDEX TO SENATE BILLS

LIX

No.	TITLE OF ACT.	PAGE.
40	A Bill for an Act entitled "An Act to amend Section 1940 and 1940b of the Political Code of Montana, as enacted by the Fifth Legislative Assembly of the State of Montana through Senate Bill No. 44, approved March 8, 1897, and as amended by House Bill No. 180, Session Laws of 1901, approved March 9, 1901, relating to the levy of taxes for support of common schools.....	263, 372, 408, 427, 490.
41	A Bill for an Act assenting to the provisions of an Act of Congress, entitled: "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906.....	225, 363, 471, 486.
42	A Bill for an Act entitled "An Act providing that upon sale of lands belonging to the State of Montana, Minerals and Coal shall be reserved in the Patent.....	296, 298, 381, 471, 483, 532.
44	A Bill for an Act entitled: "An Act to amend Section 1770 of Article IV of the Political Code of the State of Montana, as amended by the Sixth Legislative Assembly" approved March 6, 1897, and as further amended by the Seventh Legislative Assembly" approved March 3, 1899.....	225, 313, 346, 366, 453.
46	A Bill for an Act prescribing the manner in which directors, trustees and other officers of a corporation may resign.	264, 348, 471, 486, 521, 578.
47	A Bill for an Act entitled An Act in relation to making loans to officers by banks.....	649, 652, 653, 665, 681.
50	A Bill for "An Act to amend Sections 1, 17, and 25, and to repeal Sections 10, 11, 12, 13, 14, 21, 22 and 27 of Senate Bill No. 64, 'An Act to provide for the organization, regulation and inspection of building and loan associations, and to repeal Sections 770 to 790, inclusive, and 800 to 845 inclusive, of the Civil Code of Montana', approved March 4, 1897.....	523, 537, 556, 568.
51	A Bill for an Act entitled "An Act to provide for the establishment of guide-boards at forks of public roads; defining the duties of County Commissioners therein, and providing a penalty for defacement or injury to said guide boards.".....	564, 566, 578, 605, 613, 631.
53	A Bill for an Act entitled: "An Act to regulate the sale and to prevent the adulteration of foods, drugs, medicines and poisons, and prescribing for the violation thereof."	463, 465, 493, 514, 653, 663, 681.
55	A Bill for an Act entitled "An Act to empower the Montana State Board of Horticulture to establish a quarantine over any orchard, or place where fruits are grown or kept, that is infested with any injurious disease or insect pest. Empowering said Board to establish rules and regulations governing such quarantine and	

No.	TITLE OF ACT.	PAGE.
	fixing the penalty for the violation thereof. To provide for the collection of money expended by the said Montana State Board of Horticulture in the eradication of disease, and the insect pests of fruit trees.....	327, 328, 364, 472, 487.
58	A Bill for an Act entitled: "An Act to require bonds from Abstractors and to provide security to the public against errors, omissions and defects in abstracts of title of real estate, and for the use of abstracts in evidence, and to provide a penalty for the violation thereof."	585, 600.
59	A Bill for an Act entitled "An Act to provide for the establishment of a home for the infirm pioneers of the State of Montana, to be erected on the site of the State Soldiers Home, and to provide for the care and maintenance of such infirm pioneers and appropriating money for such purpose.".....	610, 612, 628.
60	A Bill for an Act concerning dependent and neglected children, and concerning the parents, guardians or other persons responsible for the custody, care, maintenance and support of such children, and there punishment for the neglect of such children.".....	377, 398, 408, 472, 483, 521, 578.
61	A Bill for an Act entitled: "An Act concerning delinquent children or delinquent juvenile persons; defining same and providing for their apprehension, custody and disposition; the jurisdiction of courts and proceedings therein, and concerning the parents, guardians, and other persons responsible for the custody, care, guidance, education and maintenance and control of such children, and providing for their punishment in cases of delinquency thereon.".....	377, 398, 409, 472, 485, 521, 615.
62	A Bill for an Act entitled "An Act regulating and prescribing the manner of measuring hay in stack to determine tonnage.".....	327, 328, 364, 472, 487, 521, 578.
64	A Bill for an Act entitled: "An Act to provide for the submission to the qualified electors of the State of Montana a proposition to amend Section 13 of Article XII of the Constitution of the State of Montana, relating to the public funds in the hands of the State Treasurer."	319, 333, 600.
65	A Bill for an Act entitled; "An Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof.".....	377, 399, 442, 471, 486, 532, 649.
66	A Bill for an Act entitled, "An Act to create the office of State Fire Warden, providing for the appointment of deputies, and relating to their compensation and duties.	419, 439, 550, 572, 631, 638, 664.
68	A Bill for an Act relating to internal improvements in cities and towns and authorizing the issuance of special	

INDEX TO SENATE BILLS

LXI

No.	TITLE OF ACT.	PAGE.
	improvement district warrants or bonds in payment therefor, and providing for the levy and collection of assessments to pay such bonds, and repealing Chapter 73 of the Acts of the Legislative Assembly of Montana, 1905."	419, 446, 451, 495, 503, 521, 578.
60	A Bill for an Act entitled: "An Act relating to bounty on Stock destroying animals and to prevent fraud in the payment of same.....	419, 439, 514, 529, 543, 578.
74	A Bill for an Act entitled "An Act to amend Section 717 of the Penal Code of the State of Montana as the same is amended by Chapter 39, Laws of 1905, relating to the sale of intoxicating beverages within five miles of any railroad grade, irrigation ditch, or canal in course of construction, or on any railroad grade on which track is being laid, or within five miles of any logging camp, saw mill, mine, stone quarry, or sheep shearing camp in operation, making exceptions to the provisions of this Act, and defining the meaning of the words "town" and "City" as used herein.....	419, 439, 74, 495, 503, 521.
77	A Bill for an Act entitled "An Act to amend Section 397 and 1503 of the Code of Civil Procedure, relating to appearances in all courts of the State.....	327, 328, 390.
78	A Bill for an Act entitled An Act to provide for the tallying of cattle shipped from the State, and to facilitate the inspection of same at the market points.....	419, 439, 514, 529, 543, 578.
81	A Bill for an Act entitled "An Act providing for the parole of prisoners confined in the State Prison, and authorizing the State Board of Prison Commissioners to grant paroles to such prisoners, subject to certain conditions and regulations to be provided for by the said State Board.....	419, 439, 468, 471, 517, 529, 542, 563, 578.
83	A Bill for an Act entitled: "An Act for the submitting to the electors of the State of Montana an amendment to Section 9 of Articles XI of the Constitution of the State of Montana, relating to the rate of taxation for State purposes.....	504, 566.
84	A Bill for an Act entitled: "An Act regulating public livestock markets, and providing for the inspection of all live stock sold at such markets at auction or otherwise.	419, 439, 494, 514, 525, 578.
85	A Bill for an Act entitled: "An Act to protect the owners of horses, mules and asses, and to cause the inspection of the same before removal from one county to another or beyond the boundaries of the State of Montana.	523, 551, 572, 580, 615.
88	A Bill for an Act entitled "An Act to withdraw certain Land in Fergus County from Sale, lease or other disposition by the State and to Dedicate the same as a	

No.	TITLE OF ACT.	PAGE.
	Public Cemetery.....	666, 667, 668, 671, 672, 681.
90	A Bill for an Act entitled "An Act prohibiting the exhibition of moving pictures wherein are exhibited the pictures of burglaries, train robberies, or any other act which would constitute a felony.....	419, 439, 461, 494, 501.
94	A Bill for an Act validating the acts of Boards of County Commissioners in establishing and locating County Free High Schools and Boards of County Free High School Trustees in issuing bonds for the erection of high school buildings.....	419, 439, 461, 495, 502, 532.
96	A Bill for an Act entitled "An Act authorizing the Boards of County Commissioners to vacate parks, boulevards and other public grounds in plats of unincorporated townsites, upon petition of interested freeholders."	419, 439, 469, 495, 503, 532.
97	A Bill for an Act entitled: "An Act to amend Section 2956, 2957 and 2990 and to repeal Section 2958 of the Political Code, as amended by Act of the Legislature of the State of Montana, approved March 3, 1903, Chapter L, 8th Session Laws, relating to the Publishing of estray notices.....	497.
98	A Bill for an Act to authorize the Board of County Commissioners in each County to allow County Officers a greater number of deputies than the maximum number of deputies allowed by law, when, in the judgment of the Board of County Commissioners, such greater number of deputies is needed for the proper conduct of the business of any county office, and to fix the salary of such deputies appointed in excess of the maximum allowed by law.".....	419, 439, 469, 495, 518, 557, 563, 647, 652, 661, 675.
99	A Bill for an Act entitled "An Act to amend Chapter 95 of the Acts of 1903, providing for the establishment of the Montana State Fair, for the appointment of a Board of Directors, and for the conduct and management thereof.....	598, 601, 628, 652, 661, 675.
100	A Bill for an Act entitled: "An Act to prohibit persons not legally admitted to practice law in the courts of the State of Montana from holding themselves out to be lawyers or in any manner whatsoever, using the title of "Lawyer", "Attorney", "Conveyancer," or the equivalent thereof, and fixing a penalty for the infraction thereof."	497, 562, 616.
101	A Bill for an Act entitled "An Act to amend Section 884 of the Civil Code relating to corporations.....	523, 538, 556, 567, 599.
102	A Bill for an Act entitled: "An Act to provide a silver service for the United States Cruiser, "Montana", and to appropriate money to purchase the same.".....	564, 566, 598, 631, 639, 652, 661, 665, 668, 669, 670, 674, 681.

INDEX TO SENATE BILLS

LXIII

No.	TITLE OF ACT.	PAGE.
105	A Bill for an Act entitled: "An Act to regulate the practice of Optometry.....	579, 598, 616, 623, 650.
109	A Bill for an Act entitled "An Act to amend Section 4 of Substitute for Senate Bill No. 11, Session Laws of the Fifth Legislative Assembly of the State of Montana, relating to the salary of the Chief Clerk of the Bureau of Agriculture, Labor and Industry.....	564, 566, 574, 606, 614, 631.
110	A Bill for an Act entitled, "An Act to prohibit the making or publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary condition or property of any corporation, joint stock association co-partnership or individual which said statements or publications are intended to give or shall have a tendency to give, a less or greater apparent value to the shares, bonds or property, or any part thereof, of said corporation, joint stock association, co-partnership or individual, then the said shares, bonds or property shall really and in fact possess, and providing a penalty therefor."	523, 538, 556, 568, 616, 624, 652.
111	A Bill for an Act entitled: "An Act relating to bonds issued as a security in the State of Montana by foreign or domestic Surety Companies lawfully doing business in the State.".....	610, 612.
112	A Bill for an Act to amend an Act approved March 6, 1903, entitled 'An Act to amend Section 5117, Part IV, Title III, Chapter VIII, Article I.L., of the Political Code of the State of Montana, relating to the duties and authority of the trustee of townsites.".....	523, 562, 606, 613, 631.
113	A Bill for an Act entitled: "An Act fixing the compensation and expenses of the State Game and Fish Warden, Special Deputy Game and Fish Wardens, and saalry of clerk in State Game and Fish Warden's Office.	564, 565, 585, 599, 605, 630, 639, 664.
115	A Bill for an Act entitled: "An Act permitting residents of Montana to fish without a license, regulating the fishing license for non-residents; permitting Forestry Officers to secure a resident's hunting license; providing for the State Auditor to furnish license blanks, and providing additional duties for the State Game and Fish Warden and special Deputy Game and Fish Warden.....	610, 612, 627, 630, 640, 664.
117	A Bill for an Act entitled, "An Act to prohibit the use of Trust Company and Savings Bank titles unless the company using such title is incorporated under the Trust Deposit and Security and Savings Bank Corporation Laws of Montana.....	598, 601, 636, 653, 654, 663, 675.
118	A Bill for an Act entitled "An Act to amend Section 472 of the Civil Code of Montana, relating to Corporations."	564, 566, 578, 605, 616, 641, 649, 664.

No.	TITLE OF ACT.	PAGE.
121	A Bill for an Act entitled "An Act concerning notaries public who are stockholders, directors, officers or employees of banks or other corporations....."	523.
122	A Bill for an Act entitled "An Act prescribing the conditions upon which foreign corporations or joint stock companies may carry on the business of banking in the State of Montana; regulating them, and providing penalties and punishments for violation of its provisions and repealing "An Act regulating foreign corporations and joint stock companies doing a banking business within the State of Montana and prescribing penalties and punishments for violations of the provisions thereof, approved March 7, 1905....."	504, 566, 577, 605, 616, 624, 652.
123	A Bill for an Act entitled "An Act to provide for the appointment of a clerk for the office of a State Mine Inspector and State Coal Mine Inspector....."	610, 612, 618, 634, 652, 659.
124	A Bill for an Act entitled "An Act to appropriate money to pay to the owners of bonds heretofore issued by the State Board of Land Commissioners under the name of the State University, State Normal School, Agricultural College, and Deaf and Dumb School of the State of Montana, an amount equal to the interest due and accruing on the interest coupons attached to said bonds and maturing on or before January 1st, 1909, and to authorize the State Board of Examiners to call in said bonds in the order of their issuance and to pay and cancel the same, and to appropriate money for such purpose.".....	585, 599, 606, 615, 617, 631, 640, 644.
125	A Bill for an Act to amend Section 3000 and 3013 of the Political Code and the acts amendatory thereof, relating to the appointment of a State Veterinary Surgeon, his qualifications and salary.".....	579, 600, 615, 617, 640, 652, 661, 663, 675.
128	A Bill for an Act entitled: "An Act to procure and preserve a uniform system of indexing and cross-indexing the Session Laws of the State of Montana....."	626, 627, 636, 653, 662, 675.
129	A Bill for an Act entitled "An Act authorizing the State Furnishing Board of the State of Montana to purchase cabinets for the department of State Mine Inspector and State Coal Mine Inspector, and appropriating money to pay for the same....."	579, 599, 615, 623, 653.
130	A Bill for an Act entitled "An Act to amend Section 15 of Chapter XI of the Laws of 1903, relating to the licensing of taxidermists....."	626, 627, 636, 653, 662, 675.
131	A Bill for an Act entitled: "An Act relating to the prevention of pollution of public water supplies used for domestic purposes; authorizing the adoption and promulgation by the State Board of Health of orders, rules and regulations for such purposes; providing for appeals to the District Court from and orders of said	

INDEX TO SENATE BILLS

LXV

No.	TITLE OF ACT.	PAGE.
	Board and giving jurisdiction in equity to the District Court to enforce orders, rules and regulations of said Board; authorizing the establishment and maintenance of an experimental station, and providing penalties."	627, 641, 653, 665, 671, 681.
132	A Bill for an Act entitled "An Act to amend Section 578 of the Civil Code of the State of Montana, relating to the liability of stockholders of banks and banking corporations."	669.
134	A Bill for an Act entitled: "An Act to amend Section 601 of the Civil Code of Montana, relating to the liability of stockholders of trust and security corporations."	637.
135	A Bill for an Act entitled "An Act to create a commission to be known as the Montana State Fish Commission, naming the State Game and Fish Warden as a member of said commission and providing for the appointment of two other members of said commission by the Governor, fixing the duties and compensation and authorizing them to locate, construct and equip a State Fish Hatchery; to regulate the distribution of the product of said hatchery and to appropriate money from the Game and Fish Fund for all of said purposes."	648, 650, 656, 671, 672, 681.
136	A Bill for an Act entitled "An Act authorizing the Board of County Commissioners in each county to appropriate money out of the general fund for the purpose of defraying the expenses of the exhibit of the county at the State Fair."	650, 654, 671, 672, 681.

INDEX TO SENATE JOINT MEMORIALS AND RESOLUTIONS

No.	TITLE OF ACT.	PAGE.
RESOLUTIONS.		
1	Requesting Congress to call a convention to provide for the election of U. S. Senators by direct vote of the people.	319, 340, 370, 377, 404.
2	Relating to Printing Contract.....	256, 303, 308.
3	Relating to the Burkett Bill in Congress.....	419, 550, 572, 580, 587, 603, 617, 644.
4	Providing for appointment by the Governor of a commission to investigate "Library Extension Work" and to report to the Eleventh Legislative Assembly.....	357.
5	Relating to dismissal of suits against State Treasurer...	470, 528.
MEMORIALS.		
1	Memorial Congress to provide for the allotment of Indian Lands and to open the Blackfoot Reservation to settlement.	370, 377, 453.

HOUSE JOURNAL

FIRST DAY

House of Representatives.

Helena, Montana, January 7, 1907.

Pursuant to law, at the hour of 12 noon, the House of Representatives of the Tenth Legislative Assembly of the State of Montana, was called to order by the Honorable A. N. Yoder, Secretary of the State of Montana.

Secretary of State appointed Nathan Godfrey temporary secretary.

The roll was called and the members presented their certificates of election, with the exception of T. Cummings, G. C. McDonald, and F. Longstaff, being absent.

Secretary of State Yoder introduced Associate Justice Holloway, who administered the oath of office to the members present, who duly signed it as follows:

Allen, W. R.
Barbour, G. H.
Beckwith, A.
Bennett, A. J.
Bennetts, T. J.
Blake, H. N.
Blewett, John
Boorman, B. J.
Brewster, G. W.
Brownlee, Robert.
Burke, Ed.
Campbell, Donald.
Cameron, A. A.
Cato, O. C.
Corby, J.
Cluston, William.
Cummings, T. A.
Cutler, C. J.
Decker, Alf.
Duncan, M. M.
English, G. B.
Farmer, J. H.
Fischer, R. F.
Gerber, P. H.
Goff, O. S.
Green, A. C.
Gray, A. H.
Griffin, P. H.
Harbordt, Eugene.
Harden, G. W.
Hess, Gus H.
Hyndman, A.
King, E. W.
Kirwan, E. D.
Kroger, W. W.
Leighton, I. A.

Logan, E. A.
Manchester, P. H.
Marshall, T. C.
Maxwell, D. C.
Miles, C. A.
Miller, C. B.
Miller, H. J.
Moore, W. E.
Morgan, F. C.
Morris, A. A.
McDonald, G. C.
McManus, J. F.
Macauley, A.
O'Connor, J. E.
Patten, T. M.
Potter, S. L.
Powers, R. E.
Root, Moses.
Ross, Samuel.
Scallon, William.
Seidler, Henry.
Selway, E. O.
Shaw, Leon.
Sherman, C. H.
Swindlehurst, T. M.
Thompson, E. J.
Thompson, Rufus B.
Towers, C. B.
Tudor, W. A.
Walker, L. A.
Warren, F. R.
Weed, E. D.
Wendel, John.
Whitesides, Fred.
Wilder, C. A.
Wilham, V. E.

On motion of Miller, of Park, L. A. Walker, of Silver Bow, was made temporary Chairman.

Nomination for Speaker being in order, Allen nominated Hon. E. W. King, of Gallatin.

O'Connor nominated T. M. Swindlehurst of Park.

Nominations being closed, roll was called with the following results:

Those voting for King were as follows: Allen, Barbour, Beckwith, Bennet, Bennetts, Blake, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cummings, Cutler, Decker, English, Farmer, Gerber, Goff, Green, Gray, Griffin, Harbordt, Hardin, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macauley, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel.—55.

Those voting for Swindlehurst were as follows: Blewett, Burke, Cato, Clusten, Duncan, Fischer, Kizwan, Miles, O'Connor, Powers, Sherman, Warren, Whitesides, Wilder, Wilham.—15.

Those not voting were King and Swindlehurst; Longstaff absent.—3.

King, receiving a majority of all votes cast, was declared elected Speaker of the House.

Chairman appointed Allen and Bennet to escort King to the Chair.

Mr. Speaker called for nominations for officers and employes of the House.

Miller of Lewis and Clark moved the election as officers and employes of the House, the following:

Speaker pro tem., W. R. Allen; Chief Clerk, Nathan Godfrey; Assistant Chief Clerk, Charles B. Gibbs; Journal Clerk, H. H. Holloway; Sergeant-at-arms, Thomas Chope; Assistant Sergeant-at-arms, A. L. Robertson; Chaplain, A. D. Raleigh; Enrolling Clerk, Mrs. B. Higgins; Engrossing Clerk, A. Bousout; Doorkeeper, A. B. Carbis; Doorkeeper, S. D. Grim; Doorkeeper, O. W. Lipschultz; Pages, William McEachern, Charles Mack, James Davies, Fred Bennett.

On motion of Whiteside, the following were placed in nomination as officers and employes of the House:

Speaker pro tem, Ed. Burke; Chief Clerk, T. N. Averill; Assistant Chief Clerk, Thomas Carbally; Journal Clerk, A. C. Spencer; Enrolling Clerk, M. J. Sullivan; Sergeant-at-arms, Daniel O'Leary; Assistant Sergeant-at-arms, Mike Riney; Doorkeeper, Mike Leahy; Assistant Doorkeeper, Daniel Halford; Day Watchman, C. W. Ardery; Night Watchman, Ed. Shields; Janitor, George H. Laub; Pages, Charles Mills, Chester Hughes, R. R. Smith.

Motion by Miller of Lewis and Clark that vote for Speaker be considered the vote for the officers and employes of the House named by him.

Motion to amend, by Whiteside, that list of proposed officers and employes of the House named by the Democratic caucus be elected.

Substitute motion by Marshall that officers and employes of the House named by Miller be elected by vote of fifty-five and Democratic caucus nominees to receive fifteen votes, such vote to be cast by the Chief Clerk. Motion carried, and the Chief Clerk cast votes accordingly.

The list of names of officers and employes named by Miller, being declared elected, were sworn in by Associate Justice Smith.

Prayer by Rev. E. L. Mills in absence of Chaplain Raleigh.

On motion, Mr. Speaker appointed committee of three, consisting of Ross, Tudor, and Walker, to notify the Senate that the House was duly organized and ready for business.

Committee reports that it has performed its duty.

On motion by Bennet that the Speaker appoint a committee of two to meet with a like committee from the Senate to notify the Governor that the House is ready to proceed to business, Mr. Speaker appointed Bennet and Swindlehurst.

The following communications were received:

Helena, Montana, Jany. 7, 1907.

Mr. Speaker:

I am directed to inform your Honorable body that the Senate has appointed a committee of two, consisting of Senators White and Haviland, to act with a like committee from the House to notify His Excellency, the Governor, that the Senate is now ready to receive any communication he has to offer.

H. K. HOWRY, Secretary.

Helena, Montana, Jany. 7, 1907.

Mr. Speaker:

I am directed to inform your Honorable body that the Senate has appointed a committee of three, consisting of Senators McLean, Rae, and McCarthy, to act with a like committee from the House to arrange for a postmaster and an assistant for both houses.

H. K. HOWRY, Secretary.

Motion by O'Connor that the rules of the House adopted at the last session be adopted as the rules of this session until such time as new rules are adopted. Motion carried.

Motion by Weed that John G. McIntire as Bill Clerk, and John T. Laws as Chief Clerk's Stenographer, be elected for the respective positions. Motion carried.

On motion of Leighton, Miss Gertrude Prichett, was elected as Assistant Journal Clerk.

Miller, of Park, moved that those present who have not their certificates of election with them, be sworn in as members of the House. Motion prevailed.

Motion by Blake that committee of three from the House be appointed by the Speaker to meet a like committee from the Senate to name a postmaster. Speaker appointed Blake, Miller, of Lewis and Clark, and Thompson, of Fergus. Committee reports that it has named Samuel Hurtvitch as Postmaster and J. B. Loomis as Assistant Postmaster.

On motion of Bennet that the House adjourn until 2 P. M. to-morrow, the 8th inst., the House adjourned at 2 P. M.

F. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

SECOND DAY

Tuesday, January 8, 1907.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll was called and all members found present except Longstaff and Selway.

On motion of Bennet, that the Chair appoint a committee of three to notify the Senate to join the House to hear the message of the Governor. Speaker appointed Bennet of Madison, Marshall of Missoula, and O'Connor of Broadwater.

Allen introduced and moved the adoption of the following resolution:

Whereas, Hon. Frank Longstaff, member of this Legislative Assembly and, as member or attache, associated with the work of the Montana Legislature since the Fifth Assembly, is prevented by a dangerous illness from being in attendance at this session;

Therefore, be it Resolved: That the Chief Clerk of this House be instructed to communicate to Mr. Longstaff the sincere sympathy of this body and its earnest hope for his speedy recovery from the sickness with which he has been stricken.

Which resolution was unanimously adopted.

Miller, of Lewis and Clark, moved that the Speaker appoint a committee of three to make such arrangements as are necessary to establish a lunch counter at the Capitol. Motion carried and the Speaker appointed Shaw of Lewis and Clark, Morgan of Missoula, and Wilder of Broadwater.

A communication was received from the Rocky Mountain Bell Telephone Company as follows:

Helena, Montana, Jan. 8, 1907.

To the Honorable House of Representatives of the State of Montana, Helena, Montana.

Gentlemen:

It is the desire of the Rocky Mountain Bell Telephone Company to extend the free use of its toll lines to the members of your body to points within the confines of the State. This service is granted from any of the public stations in the city, as well as those at the Capitol.

Respectfully,

H. L. BURDICK, Superintendent Montana Division.

Walker moved that the invitation be accepted. Motion carried.

On motion of Allen, the Sergeant-at-arms was directed to place table in the Southeast corner of the House chamber for convenience of four members of the press.

JOINT SESSION.

At 2:30 P. M. the Honorable Senate appeared at the door of the House, and was duly introduced and received. The joint assembly was presided over by the Lieutenant Governor.

The Secretary of the Senate called the roll of the Senate, and the

Chief Clerk of the House called the roll of the House, and announced that a quorum was present.

The Chair appointed Senators White and Haviland and Representatives Swindlehurst and Bennet as committee to notify the Governor that the joint assembly was in session.

Governor Toole was escorted to the platform and introduced to the assembly and proceeded to deliver his message to the joint assembly.

Motion by O'Connor that the joint assembly tender a vote of thanks to His Excellency, the Governor, for his message. Motion prevailed unanimously by rising vote.

On motion by Senator White the joint assembly was dissolved.

HOUSE RESUMED.

Roll called by Chief Clerk and all members present except Corby, Cluston, Morgan, Selway; Longstaff absent.

Minutes of previous session read and approved.

The following communications were received and read:

Senate Chamber, Helena, Mont., January 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that the Senate has appointed Senators McCone, Tooley and Donlon, a committee of three to select all Standing and Special Committees of the Senate, such selections to be reported to the Senate for confirmation.

Respectfully,

H. K. HOWRY, Secretary.

Senate Chamber, Helena, Mont., Jany. 8th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that the following is a complete list of the officers elect of the Senate: President Pro Tem, B. F. White; Secretary, H. K. Howry; Assistant Secretary, J. C. Farrington; Sergeant-at-Arms, Comley Heaton; Assistant Sergeant-at-Arms, Fred H. Jones; Journal Clerk, Miss Nena L. Herring; Assistant Journal Clerk, Miss Rose Sheehy; Enrolling Clerk, Mrs. Alice M. Zeiter; Engrossing Clerk, Miss Harriet Waldorf; Doorkeeper, T. H. DuBois; Assistant Doorkeeper, J. C. McCuaig; Assistant Doorkeeper, D. A. Bishop; Committee Clerks, Misses Pearl Kane, May Maloney and Sadie McCarthy; Printing Committee, F. C. Pearson; Pages, Frank Burke, Claude Larson and Chester Gareau; Chaplain, Rev. J. F. McNamee; Day Watchman, Hector Newman; Night Watchman, William H. Bushnell; Bill Clerk, Mrs. Josephine Wescott.

Respectfully,

H. K. HOWRY, Secretary.

Senate Chamber, Helena, Mont., Jany. 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has appointed Senators White, Miles and McCarthy, a Standing Committee on Rules and Joint Rules.

Respectfully,

H. K. HOWRY, Secretary.

Senate Chamber, Helena, Mont., Jany. 8th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senators Long, Tooley and Harper have been appointed as a Committee from the Senate to notify the House that the Senate is organized and ready for business.

Respectfully,

H. K. HOWRY, Secretary.

Report of Special Committees read as follows:

Helena, Montana, Jany. 8th, 1907.

Mr. Speaker:

Your Special Committee appointed to confer with a like Committee from the Senate to select a Postmaster and Assistant Postmaster, beg leave to report that the Joint Committees have selected Samuel Hurtvitch as Postmaster and J. B. Loomis as Assistant Postmaster.

Respectfully submitted,

HAROLD N. BLAKE, Chairman.

On motion by Blake, the report was adopted.

Helena, Montana, Jany. 8th, 1907.

Mr. Speaker:

Supplementary to the report of list of employes of the House, I desire to report that J. O. Templeton, of Choteau, William Dryberg and George Morton, of Lewis and Clark, were selected by the Republican caucus as watchmen, and move that they be placed on the roll by the same votes as given the Speaker.

MILLER.

Motion carried.

The Speaker announced the appointment of the following Committees:

Committee on Rules, Joint Rules and Order of Business—Bennet of Madison, Marshall of Missoula, and Allen of Deer Lodge, and Swindlehurst of Park.

Committee on Segregation of Governor's Message (Special)—Miller of Park, Boorman of Flathead, O'Connor of Broadwater, and Gray of Cascade.

Committee on House Employes (Standing)—Miller of Lewis and Clark, Potter of Teton, Whiteside of Flathead, Tudor of Gallatin, and Brownlee of Sweet Grass.

The Secretary of State presented notice of contest of James H. Hall vs. Richard Powers as a member of the Legislature from Silver Bow.

On motion by Macauley the papers were referred to Committee on Privileges and Elections to be named hereafter.

Motion by Blake, that when the House adjourn, it adjourn until tomorrow at 2 P. M. Motion carried.

NOTICE OF BILLS.

By Shaw: A bill creating a railroad and warehouse commission.

By Tudor: A bill to create a railroad and warehouse commission.

By Allen: A bill relating to public highways.

By O'Connor: A bill for an Act providing for the selection of candidates for elections by popular vote and relating to elections.

By O'Connor: A bill for an Act to prevent the fraudulent sale of Maple Sugar and Cider Vinegar.

By O'Connor: A bill for an Act to prevent the adulteration and sale of unwholesome foods and poisons.

By Macauley: A bill for an Act entitled, "An Act to create a Board of Police Commissioners in cities having more than twenty-five thousand inhabitants, defining their powers and duties, and fixing the terms of office and the compensation of the same.

By Whiteside: A bill to authorize the creation of Irrigation Districts.

By Duncan: A bill to amend Section 1012 of the Political Code of Montana, relative to the time within which public officers shall file their official bonds.

By Duncan: A bill to amend Section 4 of an Act entitled, "An Act to Repeal Sections 15, 19, 20, 21, 22 and 23 of an Act entitled "An Act to Repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114, of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens, and Special Deputy Game and Fish Wardens, and defining their powers and duties and providing for their compensation," approved March 18th, 1901, and to Provide for the Licensing of resident and non-resident sportsmen and hunters; to fix prices on shipping permits; to furnish the State Game and Fish Warden with a clerk; to classify packers as guides; to provide for the disposition of moneys in the Fish and Game Fund; and to provide penalties for the violation of this Act," which became a law without the Governor's approval March 2nd, 1905, and to provide that no bona fide resident of the State of Montana shall be required to obtain a license, under the provisions of said Act, in order to fish in the streams of this State.

By Gray: A bill for the re-apportionment of the State for representation purposes.

On motion by Blake the House adjourned at 4:30 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRD DAY

Wednesday, January 9, 1907.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Goff and Barbour; Long-staff absent.

Minutes of previous day read and amended so as to include motion of previous day that vote of thanks be tendered the Rocky Mountain Bell Telephone Company for its invitation to free use of its system during the session.

Mr. Speaker announced the appointment of the following committees:

Judiciary.—Scallon, Marshall, Gray, Weed, Miller of Park, Duncan, Moore, Swindlehurst and Maxwell.

Mileage and Per Diem.—Potter, Cameron, Cutler, Sherman and Miles.

The following communication from the Governor was received and read:

Executive Office, Helena, Montana, January 9, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith report of a commission appointed pursuant to House Joint Resolution No. 2, Ninth Legislative Assembly, authorizing it to examine into and report upon the advisability of acquiring a permanent water supply for the use of the State Capitol and Grounds, together with sundry propositions of sale of such water supply.

J. K. TOOLE, Governor.

On motion, the report was referred to the Committee on Public Buildings.

Communication from the Governor was received and read and referred to Committee on Ways and Means.

On motion by Bennet, 1,000 copies of the Governor's Message was ordered printed for distribution, including estimates mentioned in communication of today.

The following communications were received:

Helena, Montana, Jan. 8, 1907.

To the Speaker of the Montana State House of Representatives:

The trustees of the Helena Public Library wish to extend to the members of the State Legislature, and to families of members, a cordial invitation to make free use of all the privileges of the Public Library during the session of the Tenth Legislative Assembly.

Very respectfully,

MARGUERITE BOWDEN, Librarian.

Helena, Montana, Jan. 8, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has appointed a committee consisting of Donlan and Martien to confer with a like committee from the House, to provide for a lunch room at the Capitol.

Respectfully,

H. K. HOWRY, Secretary.

On motion by Bennet, the Chief Clerk was directed to notify the Senate of the order for the printing of the copies of Governor's message.

NOTICES OF BILLS.

The following notices were given:

By Morris: A bill providing for fire escapes from hotels, lodging houses and rooming houses.

By Morris: A bill providing for the creation of a new Judicial District to be known as the Thirteenth (13) Judicial District and to be composed of Yellowstone and Rosebud Counties.

By Cluston: A bill to create the office of State Railroad Track and Roadbed Inspector for the State of Montana, and prescribing his powers and duties, and fixing compensation therefor.

By Macaulay: A bill for an Act entitled "An Act to enable Counties, Cities, Towns and School Districts of the State of Montana, to use automatic ballot machines at all elections therein."

By Macaulay: A bill for an Act entitled "An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their powers, duties and compensation thereof."

By Weed: A bill for an Act to create a railroad and warehouse commission, and to define its duties.

By Blake: A bill entitled "A bill for an Act entitled 'An Act to amend Sections 443 and 449 of the Political Code of Montana, and to provide further regulations for the safe-keeping and management of public funds in the hands of the State Treasurer, and to increase his official bond and provide for the payment of the premium thereon.'"

By Blake: An Act entitled an Act to amend Section 4367 of the Political Code of Montana as amended by Chapter 5 of the laws of 1905, and Section 4788 of the same Code, relating to the deposit and control of public moneys in the possession of County and City Treasurers, and to provide for the payment of interest on such deposits of public money and for the furnishing of official bonds by such officers signed by surety companies, and for the payment of the premiums thereon.

By Blake: A bill entitled, "An Act to amend Section 770 of the Penal Code of the State of Montana, relating to the safe keeping and disposition of public moneys."

By Boorman: A bill entitled "An Act to amend Section 2211, of Title 7, of Chapter 1, of Part 3, of the Code of Civil Procedure of the State of Montana as amended by Senate Bill No. 104 of the Sixth Legislative Assembly, approved March 7, 1899, referring to the right of permanent and temporary logging roads."

By Whiteside: A bill to authorize the organization of local fire insurance companies.

By Whiteside: A bill to provide for the investigation of private banks.

By Whiteside: A bill to prohibit the giving or acceptance of free railroad passes.

By Corby: A bill regulating the employment of children in occupations other than underground mining.

By Miller of Park: A bill for an Act authorizing the County Commissioners to vacate lots, streets and alleys in village plats when such village shall be abandoned and such lots, streets and alleys shall cease to be used for public purposes.

By Duncan: A bill to amend Section 1012 of the Political Code of Montana, relative to the time within which public officers must take, subscribe and file their oaths of office.

REPORTS OF SELECT COMMITTEES.

January 9th, 1907.

Mr. Speaker:

Your Committee to which was assigned the segregation and reference of the Governor's message respectfully report that we have performed the

duties assigned us and have referred the several sub-divisions to the proper committees for consideration.

H. J. MILLER, Chairman.

On motion of Bennet, the report was considered read and adopted.

January 9th, 1907.

Mr. Speaker:

Your Committee on lunch arrangements begs leave to report that it has reached an agreement with Mr. Maurice Weiss for the conduct of a cafe at the heating plant. The service is guaranteed to be first class and prices reasonable.

SHAW, Chairman.

On motion of Miller of Lewis and Clark report adopted.

Helena, Jan. 9th, 1907.

Mr. Speaker:

Your Committee of Employees respectfully submits the following recommendations with reference to clerks, and move their adoption:

1st. That all requests for the appointment of clerks must be made through the Committee on Employees and not otherwise, but the right of Chairmen of Committees that are entitled to a clerk to select the clerk of that Committee shall not be abridged.

2nd. All clerks shall be subject to the orders of the Chief Clerk when not occupied with the work of their Committees.

3rd. All clerks must be present during the sessions of the House.

4th. Members desiring the services of a clerk in drafting bills or other business pertaining to their duties, or Committees needing extra help should apply to the Chief Clerk for a detail.

5th. That five clerks, who are stenographers, be at once appointed to do any necessary clerical work.

MILLER, Chairman.

Helena, Montana, Jan. 9th, 1907.

Mr. Speaker:

Your Committee on Employees recommends the appointment of the following stenographers as clerks:

Miss Alta McMahon, of Broadwater; Miss Alice M. Woody, of Missoula; Miss Maud Sagle, of Lewis and Clark; Miss Maud Miller, of Silver Bow; Mrs. Margret L. Morton, of Granite.

Your Committee also recommends that Emmet Griffin be employed as a messenger for the Telephone operator as it is often necessary to have a member called to the 'phone and the operator cannot leave her situation.

MILLER, Chairman.

On motion of Marshall, the report was adopted.

INTRODUCTION OF BILLS.

Miller of Park, asked unanimous consent to introduce bill pertaining to the creation of the Thirteenth Judicial District, without notice. Such consent being given, bill was introduced.

The following bills were introduced and placed on file:

By Shaw and Tudor, H. B. No. 1. A bill for an Act entitled an Act to create and establish a Board of Railroad Commissioners for the State of Mon-

tana; providing for the appointment and election of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act and penalties for the violation thereof.

By Miller of Park, H. B. No. 2. A bill for an Act to create the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Yellowstone and Carbon, and providing for the election of a Judge thereof.

By O'Connor, H. B. No. 3. A bill for an Act to prevent fraudulent sale of Maple Sugar and Cider Vinegar.

By O'Connor, H. B. No. 4. An Act to prevent the adulteration and the sale of unwholesome foods and poisons.

MOTIONS AND RESOLUTIONS.

By Campbell. Be It Resolved: That a committee of five members of this House be appointed to investigate the operation of the police system existing in Butte, the management and discipline thereof and all alleged abuses connected therewith and report to this House, together with the result of their investigations, recommendations for an effective system of police organization and management in cities of the first class.

That said Committee be authorized to send for persons and papers, compel the attendance of witnesses and the production of papers and exercise all the authority and powers which, under the Constitution and the law may be delegated or exercised by a Committee.

That said Committee be further authorized to hold sessions in the City of Butte as well as at Helena.

Motion by Cutler to adopt the resolution.

Amended motion by Whiteside to lay the resolution on the table.

On request of O'Connor vote is taken by roll call.

Those voting for the amendment were Beckwith, Blewett, Burke, Cato, Clifton, Duncan, Farmer, Fischer, Kirwan, Maxwell, Miles, O'Connor, Powers, Root, Swindlehurst, Warren, Wendel, Whiteside, Wilder, Wilham.—20.

Those voting against the amendment were: Bennet, Bennetts, Blake, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cummings, Cutler, English, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hardin, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macauley, Patten, Potter, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Mr. Speaker.—48.

Amended motion to lay on table lost.

Substitute motion by Blake that the resolution be received and made a special order of business for Tuesday, the 15th inst.

Motion by Bennet to amend substitute motion, that resolution be made special order of business for tomorrow.

Vote on amendment resulting, for amendment, 44; against amendment, 15.

Resolution made special order of business for tomorrow.

By Allen. Whereas, the Honorable William Jennings Bryan, one of America's foremost statesmen and student of public affairs will visit Helena, the capital city of Montana, on Friday, January 11th, 1907;

Therefore, be it Resolved, that the Speaker of the House do, and he

is hereby authorized to invite Mr. Bryan to deliver an address to this House on Friday, at such time as he may designate, and that the Honorable Senate be invited to join with us.

On motion, resolution was adopted.

Motion by Duncan, that an exact copy of all bills introduced accompany original bills, and that such original bills as introduced remain in the custody of the Bill Clerk at all times, save the Chairman of the Committee to which it is referred may obtain it upon written receipt.

Motion by Marshall, that the matter be referred to the Committee on Rules. Motion prevailed.

READING OF HOUSE BILLS.

H. B. No. 1, read first and second times, and referred to Committee on Railroads and Transportation.

H. B. No. 2, read first and second times, and referred to Judiciary Committee.

H. B. No. 3, read first and second times, and referred to Committee on Sanitary Affairs.

H. B. No. 4, read first and second times, and referred to Committee on Sanitary Affairs.

On motion by Shaw, the House adjourned at 3:40 P. M. to meet tomorrow at 2 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FOURTH DAY

Thursday, January 10, 1907.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Selway; Longstaff absent.

Minutes of previous day read and approved.

Mr. Speaker announced the appointment of Miss Nellie Stubblefield as his stenographer on the 8th inst.

Committee on Employes announced the appointment of George Morton, William Dryburg, and J. E. Templeton as watchmen on the 8th inst. Announcements omitted from Journal of that date.

Mr. Speaker called Mr. Allen, Speaker pro tem., to the chair.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Jan. 9th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the following bill was introduced and read first and second time:

By White: Senate Bill No. 1. A bill for an Act entitled "An Act appropriating money for the relief and benefit of the Montana State Normal College."

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 9th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has this day passed Concurrent Resolution No. 1, a copy of which is herewith transmitted for concurrence by the House.

SENATE CONCURRENT RESOLUTION NO. 1.

Be it Resolved by the Senate, the House concurring, that 2,500 copies of the Governor's message to the Tenth Legislative Assembly, be printed. Of which 1,500 copies are for the use of the House, 750 copies for the use of the Senate, and 250 copies for the use of the State Officers.

Respectfully,

H. K. HOWRY, Secretary.

Jan. 10th, 1907.

Mr. Speaker:

The Senate has ordered printed 500 copies of the Governor's special message on the finances of the State.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana.

A joint meeting of the Helena Business Men's Association, the Montana Wool Growers' Association and the Wool Growers' Commission Company, will be held at the office of the Business Men's Association in the Pittsburgh Block this evening at 8 o'clock for the purpose of co-operating in a movement to bring the National Wool Growers' Convention to Montana when they meet in annual convention in 1908.

All those interested in the wool growing industry and in this movement are earnestly requested to attend.

H. J. GILTINAN, Secy. Wool Growers' Association.

NOTICES OF BILLS.

By Shaw. A bill for an Act to amend Section 448 of the Political Code relating to the publication of the State Treasurer's report.

By Wendel. A bill for an Act entitled "An Act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to Section 6, Article XIII, of the Constitution of the State of Montana, relative to the indebtedness of Cities."

By Moore, by request. A bill for an Act entitled "An Act to provide for the reimbursement of Judges sitting in the place of disqualified Judges."

By Tudor. A bill for an Act to create a good roads and highway commission for the State of Montana.

By Potter: A bill entitled "An Act to appropriate moneys for the payment of mileage and per diem for the members of the Tenth Legislative

Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof."

By Marshall. A bill for an Act providing for an additional Judge in the Fourth Judicial District of this State.

By Whiteside. A bill to authorize the erection of a hospital building at the State Soldiers' Home and to appropriate money therefor.

By Hyndman: A bill appropriating money for a tablet to be placed in the Capitol, to the memory of Captain James Williams.

By McDonald: A bill for an Act entitled "An Act creating a Firemen's Disability Fund in cities and towns where there is an established paid Fire Department, and providing for the government, organization, control and maintenance thereof; and to repeal Sections 8 and 9 of H. B. 17, Laws of 1899, and Chapter CXIII of the Session Laws of 1903.

By Corby: A bill for an Act making effective the Initiative and Referendum provisions of Section 1, of Article 5, as amended, of the Constitution of the State of Montana.

By Miller of Park, by request: A bill for an Act entitled An Act to amend Section 260 of the Code of Civil Procedure, relating to the drawing of juries, and the time at which they are required to attend Court.

By Macauley: A bill for an Act entitled An Act to provide for the registration of electors.

By Manchester: A bill for an Act entitled, An Act relating to the number of deputies allowed County Auditors in Counties of the first class, and fixing the compensation of the same.

The following was read:

All Elks are especially invited to attend meeting tonight at Elks' Hall for the Elks.

C. B. MILLER.

REPORT OF STANDING COMMITTEE.

Miller, of Lewis and Clark, from Committee on House Employes, reported as follows:

Mr. Speaker:

Your Committee on Employes respectfully report that the Judiciary Committee has selected Charles Cooper as clerk, and recommends that he be appointed.

On motion by Blake, report was adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received and read:

January 10th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Concurrent Resolution No. 2, introduced by White, has this day passed the Senate and is herewith transmitted for concurrence by the House.

Respectfully,

H. K. HOWRY, Secretary.

"SENATE CONCURRENT RESOLUTION NO. 2.

Introduced by White.

"Whereas, the Hon. William Jennings Bryan, one of the Nation's most

distinguished citizens, will visit the City of Helena, on Friday, Jan. 11th;

"Resolved by the Senate, the House concurring, that Mr. Bryan be invited to address the Joint Session of the House and Senate, and that a committee of three Senators to be appointed by the President of the Senate, and three Representatives to be appointed by the Speaker of the House, convey the invitation to Mr. Bryan, and if the same is accepted to arrange with him the time and place of the address.

WHITE."

Motion by Bennet, that the House concur with Senate resolution. Motion carried.

Speaker pro tem appointed O'Connor, Burke and Bennet as committee to concur with Senate committee.

Mr. Speaker:

In accordance with Senate Concurrent Resolution No. 2, relative to Mr. Bryan's addressing the Assembly, I have appointed Senators White, Long and McCone, to act with a like committee of House.

NORRIS, Pres. of Senate.

Mr. Speaker announced the appointment of the following Standing Committees:

STANDING COMMITTEES APPOINTED January 10th.

Mines and Mining.—McManus, Farmer, Blewett, Allen, Kroger, Seidler, Duncan, Wilham, Powers.

Irrigation and Water Rights.—Decker, Farmer, Griffin, Miller of Park, O'Connor, Whiteside, Beckwith, Cameron, Cummings.

Engrossment.—Gray, Patton, Manchester, Sherman, Moore.

Townships & Counties.—Brownlee, Morris, Griffin, Maxwell, Thompson of Fergus, Brewster, Cummings, Duncan, Cato.

Affairs of Cities.—Wendel, Goff, Macauley, Wilder, Warren, Morgan, English, Scallon, Swindlehurst.

Enrollment.—Hardin, Bennet, Powers, Warren, Logan.

Education.—Miller of Park, Blake, Shaw, Cutler, Whiteside, Leighton, Thompson of Fergus, Hyndman, Cluston.

Printing.—Shaw, Morgan, Harbordt, Bennetts, Duncan.

Insurance.—Weed, Cameron, Swindlehurst, Cutler, Whiteside, Hardin.

Livestock and Ranges.—Brewster, Cummings, Decker, Thompson of Fergus, Towers, Potter, Thompson of Sanders, Maxwell, Gray.

INTRODUCTION OF BILLS.

By Miller of Park, H. B. No. 5. A bill for an Act entitled an Act authorizing the County Commissioners to vacate lots, streets and alleys, in village plats when such village shall be abandoned and such lots, streets and alleys shall cease to be used for public purposes.

By Duncan, H. B. No. 6. A bill for an Act to amend Section 1012 of the Political Code of the State of Montana, relative to the time within which public officers shall file their oaths of office.

By Boorman, H. B. No. 7. A bill for an Act to amend Section 2211, of Title VII, of Chapter I, of Part III, of the Code of Civil Procedure of the State of Montana, as amended by Senate Bill No. 104 of the Sixth Legisla-

tive Assembly approved March 7, 1899, relative to the right of eminent domain.

By Duncan, H. B. No. 8. A bill for an Act to amend Section 4 of an Act to repeal Sections 15, 19, 20, 21, 22, and 23, of an Act entitled "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114, of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens, and Special Deputy Game and Fish Wardens, and defining their powers and duties and providing for their compensation," approved March 18th, 1901, and to provide for the licensing of resident and non-resident sportsmen and hunters to fix prices on shipping permits; to furnish the State Game and Fish Warden with a clerk; to classify packers as guides; and to provide penalties for the violation of the provisions of this Act, which became a law without the Governor's approval on March 2nd, 1905, by lapse of time and to provide that all bona fide residents of this State may fish in the streams thereof without first obtaining a license therefor.

MOTIONS AND RESOLUTIONS.

The resolution introduced on the 9th by Campbell, relative to the investigation of the police system of Butte, coming up at this time, Macaulay moved the adoption of the resolution.

Whiteside moved that the resolution be indefinitely postponed.

Swindlehurst called for a roll call.

Roll was called with the following result:

Those voting for indefinite postponement of resolution were Bennetts, of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cato, Cluston, Cutler, Decker, Duncan, English, Farmer, Gerber, Greene, Griffin, Harbordt, Harden, Hyndman, King, Kirwan, Leighton, Maxwell, Miles, Miller of Lewis and Clark, Morris, McDonald, McManus, O'Connor, Patten, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson, of Ferguson, Towers, Tudor, Walker, Warren, Weed, Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—49.

Those voting against indefinite postponement were Barbour, Beckwith, Bennet, Corby, Cummings, Goff, Gray, Hess, Kroger, Logan, Manchester, Marshall, Moore, Morgan, Macaulay, Potter, Scallon, Wendel.—18.

Resolution indefinitely postponed.

FIRST AND SECOND READING OF HOUSE BILLS.

On motion of Miller of Park, bills were read by title only for first and second times.

H. B. No. 5, read first and second time, and referred to Committee on Affairs of Cities.

H. B. No. 6, read first and second times, and referred to Judiciary Committee.

H. B. No. 7, read first and second time, and referred to Committee on Highways.

H. B. No. 8, read first and second time, and referred to Committee on Fish and Game.

On motion by Allen, the House adjourned at 3:55 P. M. to meet tomorrow at 10 A. M.

NATHAN GODFREY, Chief Clerk.

E. W. KING, Speaker.

FIFTH DAY

Friday, January 11, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except English, Potter and Selway. Longstaff absent.

Minutes of previous day read and approved.

Upon request of Whiteside and consent of Miles, Mr. Speaker substituted name of Miles for Whiteside in Committee on House Employees.

Motion by Bennet, that Committee of three be appointed to read and inspect the Journal and report to the House, with the understanding that the Journal shall continue to be read until otherwise ordered by the House. Motion carried.

Mr. Speaker appointed Boorman, Burke and Corby as such Committee.

Mr. Speaker called Speaker Pro Tem. to the chair.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Senate:

January 10, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notice of Introduction of bills was given as follows:

By Annin. A bill for an Act entitled, "An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of Yellowstone and Rosebud, to change the boundaries of the Seventh Judicial District of said State to conform thereto, and to provide for the appointment of a Judge for such Thirteenth Judicial District.

By White. A bill for an Act entitled, "An Act to amend Section 180 of the Code of Civil Procedure, relating to the disqualification of Judges, as amended by Act approved December 10, 1903.

By White: A bill for an Act entitled, "An Act prohibiting the giving or issuing, or free tickets, free passes or free transportation to passengers, by common carriers doing business in this State, excepting to their own employees and other classes herein named.

By White: A bill for an Act appropriating money for the payment of M. S. Gunn for services rendered the State of Montana and in the United States Supreme Court, in the matter of validity of bonds, issued and to be issued, against the State Normal College Land Grant.

By McDonnell. A bill creating the Thirteenth Judicial District.

By Edwards. A bill for an Act entitled, "An Act to legalize outstanding bonds and warrants of Counties heretofore issued for the purpose of paying for the construction of highways, bridges and public buildings.

By Albright: A bill for an Act governing the manner of locating, recording and holding possession of mining claims upon the public domain of the United States within the State of Montana.

Respectfully,

H. K. HOWRY, Secretary.

NOTICES OF BILLS.

By Miller of Park. A bill for an Act entitled, "An Act to repeal an Act entitled, 'An Act to provide for assistants for the office of Attorney General and fix the salaries thereof,' approved March 9th, 1901, and to provide for the appointment of two assistant Attorneys General and a stenographer for the Attorney General's office, and to fix the salaries thereof."

The above notice was omitted from Journal of January 10th, 1907.

The following notices were given:

By Scallon. A bill for an Act to propose and submit to the people a Constitutional amendment amending Section 6 of Article XVI of the Constitution of the State of Montana.

By Brownlee. A bill entitled an Act prohibiting deductions by insurers for depreciation from any cause after loss, and adding a section to be numbered 3504, to Division III, Part IV, Chapter IX, of the Civil Code of Montana, relating to loss of property insured.

By Marshall. A bill for an Act relating to the docketing of judgments of Federal Courts in the Counties of this State, to constitute liens on real estate of Judgment Debtor.

By Hyndman: A bill providing for an appropriation for the purpose of erecting a Hospital Building for the State Orphans' Home at Twin Bridges, and making other necessary improvements in connection with said State Orphans' Home.

By Gray: A bill providing for the deduction of the mortgage indebtedness, on real estate, of residents of the State of Montana, under certain conditions, from their assessments for taxation purposes.

By Gray. A bill for the taxation of mortgages, in which the actual mortgagee is a resident of the State of Montana, but the mortgagee as named in the mortgage is a non-resident, and requiring certain requisites and affidavits concerning all such mortgages.

By Bennet, of Madison. A bill providing for the election of Road Supervisors at the annual school election and to amend Chapter XLIV, Article 3, Section 17, and Article 4, Section 32, Division Four of the Laws of 1903; said sections relating to Road Supervisors and their duties.

By Shaw. An anti-fusion measure.

By Shaw. A bill relating to the duties of the State Superintendent of Public Instruction.

By McManus. A bill for an Act entitled "An Act to amend Sections 580 and 581 of the Political Code and provide for the election of State Mine Inspectors and the appointment of Deputy State Mine Inspectors.

By Boorman. A bill providing for the erection, equipment and furnishing of a hospital at the Soldiers' Home at Columbia Falls, Montana.

By Leighton. A bill for an Act authorizing the creation of a Hospital and other necessary buildings for the schools for the Deaf and Blind and Feeble Minded Children at Boulder, and for the furnishing and equipment thereof, and for other purposes, and appropriating money therefor.

REPORTS OF STANDING COMMITTEES.

Miller of Lewis and Clark, from Committee on House Employees, reported as follows:

Mr. Speaker:

Your Committee on Employes respectfully report that the Committee on Education has selected Alma Mohr as clerk, and recommend that she be appointed, with the understanding that when the services of Miss Mohr are not required by this Committee they shall be available for other committee work.

On motion by Blake, report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Tudor, H. B. No. 9. A bill for an Act to create a Highway Commission for the State of Montana, and defining the powers and duties of same (additional to Chapter IV, Part III, Title III, of the Code, relating to the Agricultural College of Montana.)

By Blake, H. B. No. 10. A bill for an Act entitled an Act to amend Sections 443 and 449 of the Political Code of Montana, and to provide further regulations for the safe keeping and management of public funds in the hands of the State Treasurer, and to increase his official bond and provide for the payment of the premium thereon.

By Blake, H. B. No. 11. A bill for an Act entitled An Act to amend Section 4367 of the Political Code of Montana as amended by Chapter 5, of the Laws of 1903, and Section 4788 of the same code, relating to the deposit and control of public moneys in the possession of County and City Treasurers, and to provide for the payment of interest on such deposits of public money and for the furnishing of official bonds by such officers signed by surety companies, and for the payment of the premiums thereon.

By Miller of Park, by request, H. B. No. 12. A bill for an Act to repeal an Act entitled "An Act to provide for assistants for the office of Attorney General and fix the salaries thereof," approved March 9th, 1901; and to provide for the appointment of two Assistant Attorneys General and a stenographer for the Attorney General's office, and to fix the salaries thereof.

By Morris, H. B. No. 13. A bill for an Act entitled, "An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Yellowstone and Rosebud, to change the boundaries of the Seventh Judicial District of the said State to conform thereto, and to provide for the appointment of a Judge for such Thirteenth Judicial District.

By Moore, H. B. No. 14. A bill for an Act entitled An Act to provide for the reimbursement of Judges sitting in the place of Disqualified Judges.

By Miller of Park, by request, H. B. No. 15. A bill for an Act entitled an Act to amend Section 260 of the Code of Civil Procedure, relating to the drawing of juries, and the time at which they are required to attend Court.

By Shaw, H. B. No. 16. A bill for an Act to amend Section 448 of the Political Code of the State of Montana.

MOTIONS AND RESOLUTIONS.

By Martien. Senate Concurrent Resolution No. 1.

Be It Resolved by the Senate, the House concurring, that 2,500 copies of the Governor's message to the Tenth Legislative Assembly be printed. Of

which 1,500 copies are for the use of the House, 750 copies for the use of the Senate, and 250 copies for the use of the State Officers.

Motion by Blake, that committee of three be appointed by the Speaker to meet with a like committee from the Senate in relation to the printing of copies of the Governor's message.

Motion carried; and the Chair appointed Blake, Macauley and Swindlehurst as such committee.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 9, read first and second times by title only, and referred to Committee on Highways.

H. B. No. 10, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 11, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 12, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 13, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 14, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 15, read first and second times by title only, and referred to Judiciary Committee.

On motion by Bennet, the House took a recess at 10:50 to meet at 1:30 P. M.

AFTERNOON SESSION.

House called to order by Mr. Speaker at 1:30 P. M.

On motion by Bennet House took a recess until 3 P. M.

At 3 P. M. House called to order by Speaker.

Thompson, of Fergus, asked leave of absence until next Tuesday. Leave granted.

House Bill No. 16, read first and second times, and referred to Printing Committee.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

January 11, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees of the Senate have been selected:

STANDING COMMITTEES OF THE SENATE.

Tenth Legislative Assembly of the State of Montana. Edwin Norris, President.

1. Agricultural and Manufactures.—McDonnell, Albright, Cowgill, Cardwell, Romney.

2. Mileage.—Metcalf, Harper Truscott.

3. Corporations Other Than Municipal.—Miles, Everett, Sanders, Harper, Haviland, Martien, Rae.
4. Counties, Towns and Municipal Corporations.—Donlan, McLean, Albright, Tooley, Metcalf, Muffley, Haviland.
5. Education.—Tooley, Rae, Miles, Romney, Haviland.
6. Engrossed Bills.—Albright, Fairbanks, Cardwell.
7. Enrolled Bills.—Rae, Cowgill, Glidden.
8. Federal Relations.—Muffley, Truscott, Bielenberg, Fairbanks, Donlan.
9. Finance and Claims.—McCone, McLean, Tooley, McDonnell, Harper, Martien, Truscott.
10. Judiciary.—White, Everett, Long, Annin, Miles, Edwards, Glidden.
11. Military Affairs.—Martien, Long, Annin.
12. Mines and Mining.—Harper, Rae, White, McCarthy, Muffley.
13. Public Buildings.—Annin, Cowgill, Miles, Tooley, Edwards, Glidden, Romney.
- 14.—Public Lands.—McLean, Donlan, Metcalf, McCone, Long.
15. Public Morals.—Cardwell, Donlan, Tooley.
16. Printing.—Sanders, Metcalf, Romney.
17. Roads, Highways and Bridges.—Cowgill, Bielenberg, McCone, Fairbanks, Muffley, Glidden, Martien.
18. Libraries.—Bielenberg, White, Cardwell.
19. Irrigation and Water Rights.—Everett, Edwards, Metcalf, Cowgill, McDonnell, Long, Romney.
20. Fish and Game.—Miles, White, Harper, Haviland, Long.
21. Election and Privileges.—Fairbanks, White, Bielenberg, Long, Muffley.
22. Labor and Capital.—McCarthy, Fairbanks, Sanders, McDonnell, Truscott.
23. Stock Growing and Grazing.—Bielenberg, McCone, McLean, Edwards, Tooley, Everett, Truscott.
24. Immigration.—Glidden, Haviland, Rae, Albright, Edwards.
25. Apportionment and Representation.—Edwards, Annin, Fairbanks, Sanders, McCarthy.
26. Fairs and Expositions.—Donlan, Miles, McLean, Martien, McCarthy.
27. Railroads and Transportation.—Everett, Sanders, White, McCarthy, Martien.
28. Rules.—White, Miles, McCarthy.
29. Horticulture.—Romney, Donlan, Long, Fairbanks, Glidden.

Respectfully,

H. K. HOWRY, Secretary.

January 11, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of bills were given as follows:

By Miles. A bill for an Act to amend Section 1884 of the Civil Code of the State of Montana, relating to the use of surplus water by prior appropriators.

By Haviland: A bill to amend Section 1192 of the Penal Code of the State of Montana, relating to persons who unlawfully, wrongfully and with-

out authority use the name, title of officers, insignia, ritual or ceremonies of certain orders and societies, and providing for the violation of the provisions of this Act.

By Sanders. A bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators, and agents acting as operators and to provide a penalty for the violation thereof.

By Martien. A bill for an Act to amend Section 3070, 3071, 3072, and repeal Section 3076, of the Political Code of Montana, as amended by an Act approved March 6th, 1903; relating to the bounties for the killing of certain wild animals.

Also a bill for an Act entitled "An Act to amend Section 32, Title 1, Chapter IV, of the Code of Civil Procedure, as amended by an Act approved March 11th, 1901."

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, January 11, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced:

By McDonnell: Senate Bill No. 2. A bill for an Act to create the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Yellowstone and Carbon, and providing for the election of a Judge thereof. Read first and second time and referred to Committee on Judiciary.

By White: Senate Bill No. 3. A bill for an Act prohibiting the giving or issuing of free tickets, free passes, or free transportations to passengers by common carriers doing business in this State, excepting to their own employes, and other classes herein named. Read first and second time and referred to Committee on Railroads and Transportation.

By Edwards: Senate Bill No. 4. A bill for an Act entitled "An Act to legalize outstanding bonds and warrants of Counties heretofore issued for the purpose of paying for the construction of highways, bridges and public buildings." Read first and second time and referred to Committee on Counties, Towns and Municipal Corporations.

By White: Senate Bill No. 5. A bill for "An Act entitled An Act to amend Section 180 of the Code of Civil Procedure, relating to the disqualification of Judges as amended by an Act approved December 10, 1903. Read first and second time and referred to Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.

January 11, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate Printing Committee has been instructed to confer with like Committee of the House concerning the number of copies of the Governor's Message to have printed, so that a greater quantity than provided for in Concurrent Resolution No. 1, may not be ordered.

Respectfully,

H. K. HOWRY, Secretary.

Miller of Park, offered petition relating to the creation of the Thirteenth Judicial District. Petition read and referred to Judiciary Committee.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Wendel, H. B. No. 17. A bill for an Act entitled "An Act for the submission to the electors of the State of Montana, for their approval or rejection, of an amendment to Section 6, Article 13, of the Constitution of the State of Montana, relative to the indebtedness of cities.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 17, read first and second times, and referred to Committee on Affairs of Cities.

REPORTS OF STANDING COMMITTEES.

Miller of Lewis and Clark, from Committee on House Employees, reported as follows:

Mr. Speaker:

Your Committee on Employees having selected five stenographers for general utility before committees were formed, with the expectation that they would be given positions by Chairmen of Committees, feels it necessary to state that if they are not selected, the Committee may feel it incumbent on it to recommend their discharge.

We further recommend that where persons held positions two or four years ago, that in justice they ought to give way to those who have not had such preference.

Your Committee will recommend the clerks nominated by chairmen as soon as it believes the services are required, but must have an opportunity to judge if they are qualified.

Miller of Lewis and Clark, from Committee on House Employees, also reported as follows:

Mr. Speaker:

Your Committee on Employees desires to state that minor committees will be grouped together at the earliest possible moment when chairmen can get together and select the clerk.

On motion, the reports were adopted.

Miller of Lewis and Clark, from Committee on House Employees, also reported as follows:

Mr. Speaker:

The chairman of the Printing Committee has recommended the appointment of Miss Fanny Gill as clerk of the Committee on Printing. We endorse the selection and recommend that she be appointed.

On motion, the report was adopted.

Potter, from the Committee on Mileage and Per Diem, reported as follows:

Mr. Speaker:

Your Committee on Mileage, whose duty it is to ascertain the number of miles traveled by members of the House of Representatives to and returning from the Capitol, together with the several amounts due said members, begs leave to make the following report:

Allen, W. R.....	To Capitol and return, 200 Miles.....	\$ 20.00
Barbour, Geo. H.....	" " " " 2 "20
Beckwith, Arthur	" " " " 350 "	35.00
Bennet, A. J.....	" " " " 396 "	39.60
Bennetts, T. J.....	" " " " 148 "	14.80
Blake, H. N.....	" " " " 200 "	20.00
Blewett, John	" " " " 610 "	61.00
Boorman, B. J.....	" " " " 730 "	73.00
Brewster, G. W.....	" " " " 866 "	86.60
Brownlee, Robert	" " " " 338 "	33.80
Burke, Ed.....	" " " " 200 "	20.00
Campbell, Donald	" " " " 148 "	14.80
Cameron, A. A.....	" " " " 200 "	20.00
Cato, O. C.....	" " " " 770 "	77.00
Corby, Joseph	" " " " 148 "	14.80
Cluston, William	" " " " 200 "	20.00
Cummings, T. A.....	" " " " 280 "	28.00
Cutler, C. J.....	" " " " 148 "	14.80
Decker, Alfred	" " " " 340 "	34.00
Duncan, M. M.....	" " " " 396 "	39.60
English, G. B.....	" " " " 200 "	20.00
Farmer, J. H.....	" " " " 2 "20
Fischer, R. F.....	" " " " 224 "	22.40
Gerber, P. H.....	" " " " 250 "	25.00
Goff, O. S.....	" " " " 444 "	44.40
Greene, A. C.....	" " " " 424 "	42.40
Gray, A. H.....	" " " " 200 "	20.00
Griffin, P. H.....	" " " " 320 "	32.00
Harbordt, E.....	" " " " 200 "	20.00
Harden, G. W.....	" " " " 232 "	23.20
Hess, G. H.....	" " " " 148 "	14.80
Hyndman, A.....	" " " " 364 "	36.40
King, E. W.....	" " " " 200 "	20.00
Kirwan, E. D.....	" " " " 200 "	20.00
Kroger, W. W.....	" " " " 204 "	20.40
Leighton, I. A.....	" " " " 70 "	7.00
Logan, E. A.....	" " " " 712 "	71.20
Longstaff, Frank	" " " " 200 "	20.00
Manchester, P. H.....	" " " " 148 "	14.80
Marshall, T. C.....	" " " " 250 "	25.00
Maxwell, D. C.....	" " " " 926 "	92.60
Miles, C. S.....	" " " " 350 "	35.00
Miller, C. B.....	" " " " 2 "20
Miller, H. J.....	" " " " 248 "	24.80
Moore, W. E.....	" " " " 204 "	20.40
Morgan, F. C.....	" " " " 250 "	25.00
Morris, A. A.....	" " " " 480 "	48.00
McDonald, G. C.....	" " " " 148 "	14.80
McManus, James F.....	" " " " 148 "	14.80

distinguished citizens, will visit the City of Helena, on Friday, Jan. 11th;

"Resolved by the Senate, the House concurring, that Mr. Bryan be invited to address the Joint Session of the House and Senate, and that a committee of three Senators to be appointed by the President of the Senate, and three Representatives to be appointed by the Speaker of the House, convey the invitation to Mr. Bryan, and if the same is accepted to arrange with him the time and place of the address.

WHITE."

Motion by Bennet, that the House concur with Senate resolution. Motion carried.

Speaker pro tem appointed O'Connor, Burke and Bennet as committee to concur with Senate committee.

Mr. Speaker:

In accordance with Senate Concurrent Resolution No. 2, relative to Mr. Bryan's addressing the Assembly, I have appointed Senators White, Long and McCone, to act with a like committee of House.

NORRIS, Pres. of Senate.

Mr. Speaker announced the appointment of the following Standing Committees:

STANDING COMMITTEES APPOINTED January 10th.

Mines and Mining.—McManus, Farmer, Blewett, Allen, Kroger, Seidler, Duncan, Wilham, Powers.

Irrigation and Water Rights.—Decker, Farmer, Griffin, Miller of Park, O'Connor, Whiteside, Beckwith, Cameron, Cummings.

Engrossment.—Gray, Patton, Manchester, Sherman, Moore.

Townships & Counties.—Brownlee, Morris, Griffin, Maxwell, Thompson of Fergus, Brewster, Cummings, Duncan, Cato.

Affairs of Cities.—Wendel, Goff, Macauley, Wilder, Warren, Morgan, English, Scallon, Swindlehurst.

Enrollment.—Hardin, Bennet, Powers, Warren, Logan.

Education.—Miller of Park, Blake, Shaw, Cutler, Whiteside, Leighton, Thompson of Fergus, Hyndman, Cluston.

Printing.—Shaw, Morgan, Harbordt, Bennetts, Duncan.

Insurance.—Weed, Cameron, Swindlehurst, Cutler, Whiteside, Hardin.

Livestock and Ranges.—Brewster, Cummings, Decker, Thompson of Fergus, Towers, Potter, Thompson of Sanders, Maxwell, Gray.

INTRODUCTION OF BILLS.

By Miller of Park, H. B. No. 5. A bill for an Act entitled an Act authorizing the County Commissioners to vacate lots, streets and alleys, in village plats when such village shall be abandoned and such lots, streets and alleys shall cease to be used for public purposes.

By Duncan, H. B. No. 6. A bill for an Act to amend Section 1012 of the Political Code of the State of Montana, relative to the time within which public officers shall file their oaths of office.

By Boorman, H. B. No. 7. A bill for an Act to amend Section 2211, of Title VII, of Chapter I, of Part III, of the Code of Civil Procedure of the State of Montana, as amended by Senate Bill No. 104 of the Sixth Legisla-

Frank Longstaff at this time presented himself at the bar of the House, and was sworn by Speaker Pro Tem.

Minutes of previous meeting read and approved.

Mr. Speaker announced the appointment of the following Standing Committees:

STANDING COMMITTEES.

1. Ways and Means.—Allen, Boorman, Gray, O'Connor, Walker, Selway, Bennet, Barbour, Tower.
2. Appropriations.—Bennet, Leighton, Kroger, Whiteside, Marshall, Swindlehurst, Tudor, Miller, C. B., Blake.
3. Judiciary.—Scallon, Marshall, Gray, Weed, Miller, Moore, Swindlehurst, Duncan, Maxwell.
4. Privileges and Elections.—Blake, Macauley, Cato, Moore, McManus, O'Connor, Patten, Selway, Sherman.
5. Agriculture and Horticulture.—Green, Fischer, Boorman, Root, Griffin, Hyndman, Miles, Sherman, Thompson, E. J.
6. Mines and Mining.—McManus, Farmer, Blewett, Allen, Kroger, Seidler, Duncan, Wilham, Powers.
7. Townships and Counties.—Brownlee, Morris, Griffin, Maxwell, Thompson, R., Brewster, Cummings, Duncan, Towers.
8. Education.—Miller, H. J., Blake, Shaw, Cutler, Whiteside, Leighton, Thompson, R., Hyndman, Cluston.
9. Military Affairs.—Goff, Manchester, Barbour, Gerber, Kirwan, Hess, Corby.
10. Federal Relations.—Beckwith, Campbell, Longstaff, Scallon, Morgan, Cato, Powers, Selway, Wilham.
11. Internal Improvements.—English, Goff, Towers, Cluston, Longstaff, Manchester, Wilham.
12. Improvements and Manufacturing.—Seidler, Campbell, Burke, Gerber, Moore, McManus, Wendel.
13. State Lands.—Towers, Morris, Burke, Green, Root, Blewett, Brewster, Cato, Walker.
14. Irrigation and Water Rights.—Decker, Farmer, Griffin, Miller, H. J., O'Connor, Whiteside, Beckwith, Cameron, Cummings.
15. State Boards and Officers.—Cameron, Shaw, Gerber, Bennetts, Kroger, Wilder, Selway.
16. Labor.—Ross, Corby, Harbordt, Hess, Kirwan, Blewett, Miller, H. J., Patten, Warren.
17. Apportionment and Representation.—Morris, Goff, Seidler, Kirwan, Beckwith, Fischer, Campbell, Greene, Griffin.
18. Railroads and Transportation.—Marshall, Moore, Brewster, Selway, Logan, Maxwell, Miller, C. B., O'Connor, Walker, Morris, Warren.
19. State Institutions, Public Buildings and Grounds.—Tudor, Harbordt, Allen, Decker, Wendel, Leighton, Bennetts, McDonald, Longstaff.
20. Fish and Game.—Logan, English, Brownlee, Blewett, Greene, Morgan, Weed, Macauley, Cluston.
21. Affairs of Cities.—Wendel, Goff, Macauley, Wilder, Warren, Morgan, English, Scallon, Kirwan.

FIFTH DAY

Friday, January 11, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except English, Potter and Selway. Longstaff absent.

Minutes of previous day read and approved.

Upon request of Whiteside and consent of Miles, Mr. Speaker substituted name of Miles for Whiteside in Committee on House Employes.

Motion by Bennet, that Committee of three be appointed to read and inspect the Journal and report to the House, with the understanding that the Journal shall continue to be read until otherwise ordered by the House. Motion carried.

Mr. Speaker appointed Boorman, Burke and Corby as such Committee.

Mr. Speaker called Speaker Pro Tem. to the chair.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Senate:

January 10, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notice of Introduction of bills was given as follows:

By Annin. A bill for an Act entitled, "An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of Yellowstone and Rosebud, to change the boundaries of the Seventh Judicial District of said State to conform thereto, and to provide for the appointment of a Judge for such Thirteenth Judicial District.

By White. A bill for an Act entitled, "An Act to amend Section 180 of the Code of Civil Procedure, relating to the disqualification of Judges, as amended by Act approved December 10, 1903.

By White: A bill for an Act entitled, "An Act prohibiting the giving or issuing, or free tickets, free passes or free transportation to passengers, by common carriers doing business in this State, excepting to their own employees and other classes herein named.

By White: A bill for an Act appropriating money for the payment of M. S. Gunn for services rendered the State of Montana and in the United States Supreme Court, in the matter of validity of bonds, issued and to be issued, against the State Normal College Land Grant.

By McDonnell. A bill creating the Thirteenth Judicial District.

By Edwards. A bill for an Act entitled, "An Act to legalize outstanding bonds and warrants of Counties heretofore issued for the purpose of paying for the construction of highways, bridges and public buildings.

By Albright: A bill for an Act governing the manner of locating, recording and holding possession of mining claims upon the public domain of the United States within the State of Montana.

Respectfully,

H. K. HOWRY, Secretary.

All stockmen and members of the Legislature are particularly requested to be present.

Very respectfully,

J. E. BOWER.

Helena, Montana, Jan. 14, 1907.

To the Speaker and Members of the House of Representatives.

Gentlemen:—I take the liberty of addressing this communication to you in your official capacity for the purpose of advising you that the writer will, at the proper time, appear before the Appropriate Committees of the two Houses to present to them for their consideration the advisability of the State of Montana participating in the Alaska-Yukon-Pacific Exposition, which will be held in Seattle in 1909.

I have been appointed a special representative of the Exposition to the States of Montana, Idaho and Utah, and it is my intention to appear before the respective Legislatures of those States and present the plan and scope of the Exposition as well as all other details connected therewith.

I also desire to state that it will be my pleasure to place my time at the disposal of the individual members, from time to time, for the purpose of furnishing them any specific information which they may desire.

Respectfully yours,

GEO. E. BOOS,

Special Commissioner Alaska-Yukon Exposition 1909.

Communication referred to Committee on Fairs and Expositions.

NOTICES OF BILLS.

By Goff. A bill for an Act entitled, An Act to provide for the designation of an estray paper, and to provide for the publishing of estray notices in the same.

By Goff. A bill for an Act entitled, An Act to amend Section 2945 of the Political Code, relating to Butchers.

By Wendel. A bill for an Act entitled "An Act authorizing City and Town Councils to provide for and regulate the inspection and measuring of gas and of electric light and power."

By Beckwith. A bill to create the Fourteenth Judicial District to be composed of Ravalli County.

By Manchester. A bill relating to Act approved March 5th, 1902, relating to extension of franchises granted by cities and towns.

By Brewster. A bill for an Act to protect the owners of horses and to cause the inspection of same.

By Brewster. A bill for an Act to provide for the inspection of cattle to be removed from the State of Montana.

By Macaulay. A bill entitled. A bill for "An Act to require paddle wheels or screens to be placed in all ditches and canals for the protection of fish."

By Shaw, by request. A bill for an Act regulating the granting of new trials in civil and criminal proceedings.

By Whiteside. A bill for an Act to regulate and establish primary elections for the nomination of elective officers and to permit electors of the State to express their preference for candidates for the office of United States Senator, and to repeal all Acts in conflict therewith.

Mr. Speaker:

Your Committee on Employes respectfully report that the Committee on Education has selected Alma Mohr as clerk, and recommend that she be appointed, with the understanding that when the services of Miss Mohr are not required by this Committee they shall be available for other committee work.

On motion by Blake, report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Tudor, H. B. No. 9. A bill for an Act to create a Highway Commission for the State of Montana, and defining the powers and duties of same (additional to Chapter IV, Part III, Title III, of the Code, relating to the Agricultural College of Montana.)

By Blake, H. B. No. 10. A bill for an Act entitled an Act to amend Sections 443 and 449 of the Political Code of Montana, and to provide further regulations for the safe keeping and management of public funds in the hands of the State Treasurer, and to increase his official bond and provide for the payment of the premium thereon.

By Blake, H. B. No. 11. A bill for an Act entitled An Act to amend Section 4367 of the Political Code of Montana as amended by Chapter 5, of the Laws of 1905, and Section 4788 of the same code, relating to the deposit and control of public moneys in the possession of County and City Treasurers, and to provide for the payment of interest on such deposits of public money and for the furnishing of official bonds by such officers signed by surety companies, and for the payment of the premiums thereon.

By Miller of Park, by request, H. B. No. 12. A bill for an Act to repeal an Act entitled "An Act to provide for assistants for the office of Attorney General and fix the salaries thereof," approved March 9th, 1901; and to provide for the appointment of two Assistant Attorneys General and a stenographer for the Attorney General's office, and to fix the salaries thereof.

By Morris, H. B. No. 13. A bill for an Act entitled, "An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Yellowstone and Rosebud, to change the boundaries of the Seventh Judicial District of the said State to conform thereto, and to provide for the appointment of a Judge for such Thirteenth Judicial District.

By Moore, H. B. No. 14. A bill for an Act entitled An Act to provide for the reimbursement of Judges sitting in the place of Disqualified Judges.

By Miller of Park, by request, H. B. No. 15. A bill for an Act entitled an Act to amend Section 260 of the Code of Civil Procedure, relating to the drawing of juries, and the time at which they are required to attend Court.

By Shaw, H. B. No. 16. A bill for an Act to amend Section 448 of the Political Code of the State of Montana.

MOTIONS AND RESOLUTIONS.

By Martien. Senate Concurrent Resolution No. 1.

Be It Resolved by the Senate, the House concurring, that 2,500 copies of the Governor's message to the Tenth Legislative Assembly be printed. Of

Townships and Counties, Education, is authorized to have one clerk.

Military Affairs, Federal Relations, Rules, Joint Rules and Order of Business, is authorized to have one clerk.

Mileage and Per Diem, State Lands, Immigration is authorized to have one clerk.

Printing is authorized to have three clerks.

Engrossment is authorized to have three clerks as needed.

Enrollment is authorized to have three clerks as needed.

State Institutions, Public Buildings and Grounds, Libraries, are authorized to have one clerk.

Insurance, Internal Improvements, Improvements and Manufacturing, are authorized to have one clerk.

Irrigation and Water Rights, State Boards and Officers, are authorized to have one clerk.

Labor, Apportionment and Representation, Affairs of Cities, are authorized to have one clerk.

Fish and Game, Highways, Fairs and Expositions, are authorized to have one clerk.

Livestock and Public Ranges, Corporations Other Than Municipal, are authorized to have one clerk.

Sanitary, Railroads and Transportation, are authorized to have one clerk.

In case the clerk of a committee is engaged when the committee meets, by calling on the Chief Clerk some other clerk will be furnished.

It may be found necessary to make some changes later in this allotment and if it is, your Committee will recommend accordingly.

On motion by Boorman, report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Blake, H. B. No. 18. A bill for An Act to amend Section 770 of the Penal Code of the State of Montana, relating to the safe keeping and disposition of public moneys.

By Whiteside, H. B. No. 19. A bill for an Act entitled, An Act to authorize the construction of a Hospital Building at the Montana State Soldiers' Home, to provide for a Heating Plant for the heating of all buildings at said Montana State Soldiers' Home, including said Hospital building; to provide for the improvement of the Cemetery grounds and the erection of a central monument in said Cemetery of the Montana State Soldiers' Home; to appropriate money for all of said purposes.

By Brownlee, H. B. No. 20. A bill for an Act entitled "An Act prohibiting deductions by insurers for depreciation from any cause after loss, and adding a section to be numbered 3504, to Division III, Part IV, Chapter IX, of the Civil Code of Montana, relating to loss of property insured."

By McManus, H. B. No. 21. A bill for an Act entitled an Act to amend Sections 580 and 581 of Part Three, Chapter Three, Title One of the Political Code of Montana, providing for the office of Inspector of Mines.

By McDonald, H. B. No. 22. A bill for an Act entitled "An Act to create a disability fund in cities and towns of the State of Montana where there is an established paid fire department, for the benefit of firemen dis-

abled in the line of duty; authorizing cities and towns to levy an annual tax for the maintenance thereof; providing for the organization, government and control thereof, and providing penalties for any violation thereof; and to repeal Sections 8 and 9 of House Bill No. 17 of the Session Laws of 1899 of Montana, entitled "An Act to provide for the organization, government, and control of a fire department for cities and towns, regulating appointments thereto, and providing for the creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds thereon," approved March 7th, 1899; and to repeal Chapter CXIII of the Session Laws of 1903 of Montana, relating to the payment of taxes received from fire insurance companies, corporations and associations doing business in the State of Montana, to the maintenance of fire departments, approved March 7th, 1903.

By Corby, H. B. No. 23. A bill for an Act entitled, An Act making effective the Initiative and Referendum provisions of Section 1, of Article V, as amended, of the Constitution of the State of Montana, and regulating elections thereunder, and providing penalties for violations of provisions of this Act.

By Shaw, H. B. No. 24. A bill for an Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of State or Life Diplomas and the issuance of temporary State Certificates.

By Morris, H. B. No. 25. A bill for an Act entitled: An Act to provide for fire escapes from hotels, lodging houses and rooming houses, and providing a penalty for the violation thereof.

By Patten, Joint House Memorial No. 1. Petitioning Congress to enact such legislation as will result in the opening of Fort Peck Indian Reservation.

MOTIONS AND RESOLUTIONS.

Motion by Miller of Park, that 500 copies of list of Standing Committees appointed by the Speaker be printed for the use of House and Senate. Motion prevailed.

Motion by Bennet, that Longstaff's name be placed on pay roll from the first day of session. Motion carried.

READING OF HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The following bills were taken from the file:

H. B. No. 18, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 19, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 20, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 21, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 22, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. N. 23, read first and second times by title only, and referred to Committee on Privileges and Elections.

H. B. No. 24, read first and second times by title only, and referred to Committee on Education.

H. B. No. 25, read first and second times by title only, and referred to Committee on Affairs of Cities.

House Joint Memorial No. 1, read first and second times by title only, and referred to Committee on Federal Relations.

Motion by Blake, that the House adjourn until tomorrow at 11:30 A. M.

Amended motion by Manchester, that the House adjourn until tomorrow at 10 A. M.

Amended motion carried. Original motion lost.

The House adjourned at 3:15 P. M. to meet tomorrow at 10 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk,

NINTH DAY

Tuesday, January 15th, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members present except Potter, Selway and Thompson of Fergus. Selway sick; Potter and Thompson of Fergus, excused.

Journal of previous meeting read and approved.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

Executive Office, Helena, Mont., Jan. 14, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith sundry deficiency bills required by law to be transmitted to the Legislative Assembly for its action, viz:

Game and Fish Warden fund.....	\$ 419.41
Care of Insane	27006.68
Adjutant General	80.25
Attorney General	163.80
Veterinarian clerk hire.....	1,348.00
Sundry State Officers.....	285.30
Bureau of Child and Animal Protection.....	174.32
State Auditor	74.78
State Examiner	212.48
State Treasurer	17.25
Board of Charities and Reform.....	49.90
State Engineer, field and office expense.....	49.10
Coal Mine Inspector.....	12.10
Law Library	1.30
Board of Horticulture.....	102.65
Farmers' Institutes	20.70
Inoculating coyotes	60.30
Requisitions	212.25

Special appropriation	48.80
Rewards	600.00
State Veterinarian	1,650.90
Meat and Milk Inspectors.....	4,565.30
National Guard	260.93
National Guard Encampment.....	3,282.35
State Reform School.....	3,263.42
Public printing	6,469.71
State Capitol building.....	4,765.33
State Orphans' Home.....	3,485.73
Total.....	<u>\$58,743.04</u>

J. K. TOOLE, Governor.

NOTICES OF BILLS.

By Miller of Park. A bill for an Act entitled "An Act giving to lessors of farm lands a lien upon the crops grown upon the leased premises for rent of such premises."

By Duncan. A bill for an Act to regulate the shipment of freight, to require railroad companies to furnish sufficient cars to transport the same, and to provide penalties for failure so to do.

By Marshall. A bill for an Act authorizing County Commissioners of each County to annually levy a special tax of six-tenths of one mill on the dollar upon the assessed value of all property in the county, to raise revenue for the special funds known as "State Bounty Fund," "Sheep Inspection and Indemnity Fund," "Stock Inspector and Detective Fund," and "Stock Indemnity Fund," to provide for the apportionment of said special tax to said special funds and for the control, use and disposition of said funds; and to repeal Sections 2990, 3016 and 3076 of the Political Code, together with all amendments to each of said sections and to repeal Section 27, of Chapter 45, of the Laws of 1905.

By Gray. A bill to amend Sections 280, 281 and 282, Code of Civil Procedure, relating to the summoning of jurors for Courts of record.

By Gray. A bill to repeal Sections 4072, 4073, 4075, 4079 and 4080, and to amend Sections 4062, 4063, 4064, 4065, 4067, and 4068, of the Political Code, relating to professional and useful occupation license.

By Marshall, by request. A bill for an Act entitled, An Act to provide for the appointment of a State Veterinary Medical Examining Board, describing their powers and duties and regulating the practice of Veterinary medicine within the State of Montana.

By Weed. A bill for an Act to amend Sections 2480 to 2491 inclusive, Chapter IV, Part II, of the Criminal Code of Montana, relating to the examination of witnesses conditionally.

By Manchester. A bill relating to Sections 535 and 536 of the Penal Code of the State of Montana.

By Miles. A bill to create the Fourteenth Judicial District, the same to be composed of the County of Ravalli.

By Morgan. A bill for an Act to amend Section 1, of an Act entitled, "An Act to create the County of Sanders, designate its boundaries, and provide for its organization and government," approved February 7th, 1905.

By Miller of Lewis and Clark. A bill for an Act making it a misdemeanor for State Officers, Boards of Trustees, Commissioners or Managers, except as relates to care of inmates of Insane Asylum or State Prison, and providing penalties for violation of same.

REPORTS OF SELECT COMMITTEES.

The following reports were received:

The Capitol, Jan. 14, 1907.

House of Representatives, Tenth Legislative Assembly.

Mr. Speaker:

We, your Conference Committee, appointed to meet with a like Committee from the Senate, for the purpose of deciding as to the number of copies of the Governor's message to be printed, beg leave to report as follows:

That 1,000 copies of the message be printed; 300 for the use of the House, 200 for the use of the Senate, and 500 for miscellaneous purposes.

500 copies of the Special message with Statement showing financial condition of the State, estimates and contingent expenses, etc., were printed for the use of the Senate and by agreement. 300 of these copies were given to the House for its use.

H. N. BLAKE, Chairman.

On motion by Blake, report was adopted.

Jan. 14, 1907.

Mr. Speaker:

The group of Committees, consisting of Fish and Game; Highways, Fairs and Expositions, recommend the appointment of Miss Elizabeth C. Lawlor, as clerk, subject to the approval of the Committee on Employees. Her services to be under the directions of the Chief Clerk when not required by said Committees.

FISH AND GAME, by E. A. LOGAN, Chairman.

HIGHWAYS, by B. J. BOORMAN, Chairman.

FAIRS AND EXPOSITIONS, by A. HYNDMAN,

Chairman.

Report referred to Committee on House Employees.

REPORT OF STANDING COMMITTEE.

Miller of Lewis and Clark, from Committee on House Employees, reported as follows:

Mr. Speaker:

The Committee on Employees respectfully reports that the Chairmen of the Committee on Military Affairs, Federal Relation, Rules and Joint Rules, Mileage, State Lands and Immigration have recommended Miss Bernice Bushnell as clerk to said group of Committees.

We have found Miss Bushnell's qualifications all that are required and recommend her appointment.

We further report that the Committee on Appropriations has selected Miss Maude Miller as clerk of that Committee and recommend that same be confirmed.

Also Miss Stella M. McRae has been selected by the Engrossing Committee and we find her qualified and recommend her appointment.

Also Mr. W. J. Glover has been selected as clerk of the Ways and Means Committee, and we recommend his appointment.

On motion by Bennet, report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Cameron, H. B. No. 26. A bill for an Act entitled "An Act to prevent live stock running at large in the public lanes and highways."

By Goff, H. B. No. 27. A bill for an Act entitled an Act to provide for the designation of an estray paper, and to provide for the publishing of estray notices in the same.

By Goff, H. B. No. 28. A bill for an Act entitled "An Act to amend Section 2945 of the Political Code relating to butchers."

By Committee on Appropriations, H. B. No. 29. A bill for an Act to appropriate moneys for the payment of mileage and per diem for the members of the Tenth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof.

By Brownlee, H. B. No. 30. A bill for an Act entitled an Act requiring all railroad companies in the State of Montana to stop all regular passenger trains at each county seat located on the line of said roads in the State of Montana, and providing penalties for violation thereof.

By Brewster, H. B. No. 31. A bill for an Act entitled, An Act to protect the owners of horses, and to cause the inspection of the same.

By Brewster, H. B. No. 32. A bill for an Act to provide for the inspection of cattle to be removed from the State of Montana.

By Manchester, H. B. No. 33. A bill for an Act entitled, "An Act relating to the number of deputies allowed County Auditors in Counties of the First Class, and fixing the compensation of the same."

By Manchester, H. B. No. 34. A bill for an Act entitled "An Act to amend an Act approved March 5th, 1903, entitled "An Act relating to the granting of franchises by Cities and Towns, and providing a submission of the question of granting any franchise to the resident freeholders, whose names shall appear on the City or County tax roll preceding such election." and providing for the extension of said franchises under certain conditions.

By Marshall, H. B. No. 35. A bill for an Act entitled an Act to amend House Bill No. 143 of the Session Acts of the Seventh Legislative Assembly of the State of Montana of the Year 1901, being an Act entitled an Act to amend Section Thirty-two, Title One, Part One, Chapter Four, of the Code of Civil Procedure and to provide for an additional Judge for the Second Judicial District of the State of Montana, and to provide for an additional Judge for the Fourth Judicial District of the State of Montana.

By Miller of Park, H. B. No. 36. A bill for an Act entitled an Act to amend Section 2441 of the Penal Code relating to witnesses in criminal actions.

By Macaulay, H. B. No. 37. A bill for an Act to require paddle wheels or screens to be placed in all ditches and canals for the protection of fish.

By Weed, H. B. No. 38. A bill for an Act to enable the State of Montana to purchase 500 maps for State and School purposes.

By Wendel, H. B. No. 39. A bill for an Act entitled, "An Act authorizing City and Town Councils to provide for and regulate the inspection and measuring of gas and of electric light and power.

By Farmer, H. B. No. 40. A bill for an Act to amend Sections 11, 20 and 27 of House Bill No. 145, passed by the Eighth Legislative Assembly of the State of Montana, approved March 2, 1903, relating to public highways, and to repeal Sections 13 and 19 of said Act.

By Gray, H. B. No. 41. A bill for an Act entitled, "An Act to provide for apportionment of membership and representation of the several Counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 26, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

H. B. No. 27, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

H. B. No. 28, read first and second times by title only and referred to Committee on Livestock and Public Ranges.

H. B. No. 29, read in full, and referred to Printing Committee.

H. B. No. 30, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 31, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

H. B. No. 32, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

H. B. No. 33, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 34, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 35, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 36, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 37, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 38 read first and second times by title only, and referred to Committee on Education.

H. B. No. 39, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 40, read first and second times by title only, and referred to Committee on Highways.

H. B. No. 41, read first and second times by title only, and referred to Committee on Apportionment and Representation.

COMMUNICATIONS FROM THE SENATE.

The following communications were received from the Senate:

January 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notices of the following bills were given:

By McCone. A bill entitled, A bill for an Act to amend Section 4064 of the Political Code of the State of Montana, as amended by an Act approved March 4, 1901, relating to licenses and to repeal Section 4072 of the same Code relating to professional licenses.

By Truscott. A bill entitled, "An Act amending Section 2941, of Article I, Part III, Title VII, of the Political Code of the State of Montana relating to the Recording of Marks and Brands and providing a charge for such services."

By Glidden. A bill for an Act entitled "An Act to provide for an appropriation from the County Treasurer of each County for the display of various products at the State Fair."

By Miles. A bill to validate the official acts of Notaries Public, within the State of Montana, which acts have been performed since the 15th day of February, 1895.

By Tooley. An Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of State or Life Diplomas and the issuance of temporary State Certificates.

By Donlan. A bill for an Act to amend an Act entitled "An Act to amend the Act entitled, 'An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection,' approved March 7, 1903, and repealing Sections 1, 2, 3, 4, 5, 6, 7, and 8 of said Act." Approved March 4, 1905.

Respectfully,

H. K. HOWRY, Secretary.

January 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced:

By Albright. Senate Bill No. 6, entitled, "A bill for an Act governing the manner of locating, recording and holding possession of mining claims upon the public domain of the United States within the State of Montana." Read first and second time and referred to Committee on Mines and Mining.

By Haviland. Senate Bill No. 7, entitled, "A bill for an Act to amend Section 1192 of the Penal Code of the State of Montana, making it unlawful to wrongfully, and without authority, use the name, title of officers, insignia, ritual or ceremonies of certain orders and societies, and providing punishment for the violation of the provisions of this Act." Read first and second time and referred to Committee on Judiciary.

By Miles. Senate Bill No. 8, A bill for an Act to amend Section 1884 of the Civil Code of the State of Montana, relating to the use of surplus waters by prior appropriators. Read first and second time and referred to Committee on Irrigation and Water Rights.

Respectfully,

H. K. HOWRY, Secretary.

January 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Joint Resolution was introduced:

By Miles. Senate Joint Resolution No. 1. A Resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people. Read first and second time and referred to Committee on Federal Relations.

Respectfully,

H. K. HOWRY, Secretary.

It being the second Tuesday after the meeting and organization of this Legislative Assembly, on motion of Miller of Lewis and Clark, it was ordered that the House by viva voce vote of each member present, proceed to elect a Senator in the Congress of the United States for the term expiring March 4th, 1913, to succeed Hon. W. A. Clark.

Miller of Park, presented to the House the name of Hon. Joseph M. Dixon for United States Senator. Thereupon the House proceeded to vote in accordance with the provisions of Section XV, Title II, Chapter I, of the Revised Statutes of the United States, with the following result:

Those voting for Joseph M. Dixon were Representatives Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cummings, Cutler, Decker, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Root, Ross, Seidler, Shaw, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, and Mr. Speaker.—52.

Those voting for H. L. Frank were Representatives Blewett, Sherman, Wilder and Wilham.—4.

Those voting for Joseph K. Toole were Representatives Burke, Cato, Duncan, Fisher, Longstaff, Miles, O'Connor, Powers, Swindlehurst, Whiteside.—10.

Those voting for W. G. Conrad were Representatives Cluston and Kirwan.—2.

The Representative voting for Edwin Norris was Warren.—1.

Total vote, 69. Absent, Potter, Scallon, Selway and Thompson of Fergus.—4.

Mr. Speaker announced the following vote: for Dixon, 52; for Frank, 4; for Toole, 10; for Conrad, 2; for Norris 1.

COMMUNICATIONS AND PETITIONS

The following communication was received from the Governor:

Executive Office, Helena, Mont., Jan. 15, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith sundry bounty claims, disapproved by the State Board of Examiners for the reason that they were issued under the old law after March 1, 1905, amounting in the aggregate to fifteen thousand nine hundred and fifty-one dollars.

Also sundry bounty claims disapproved by the State Board of Examiners because the same were not properly signed under the old law, amounting in the aggregate to three hundred and ninety-seven dollars.

Also a bounty claim disapproved by the State Board of Examiners because the same was not properly presented, amounting to twenty-four dollars.

J. K. TOOLE, Governor.

Communication referred to Committee on Appropriations.

REPORT OF STANDING COMMITTEE.

Wendel, from the Committee on Affairs of Cities, reported as follows:
January..., 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 17, introduced by Wendel, being a bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana for their approval or rejection of an amendment to Section 6, Article 13, of the Constitution of the State of Montana, relative to the indebtedness of Cities," beg leave to report as follows:

After consultation with the chairman of the Judiciary Committee, it is deemed best to amend the bill as proposed so that it will more clearly point out the particular amendment proposed, namely, that of authorizing cities to extend their limit of indebtedness for electric lighting plants. The bill as introduced provides that the Constitution be amended as to include lighting plants, and sets forth how the particular section would read when amended; but it would be clearer to have the bill show just what the amendment consists of, and this is now set forth in the amended bill.

Your Committee is unanimously in favor of amending the Constitution so as to permit cities to extend their indebtedness for the purpose of procuring lighting plants in addition to the sewerage systems and water plants, and after said consultation with the chairman of the Judiciary Committee, we beg leave to report and unanimously recommend that said bill be passed, as amended."

H. B. No. 17 referred back to Committee on Affairs of Cities for revision.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Macaulay. H. B. No. 42. A bill for an Act entitled, "An Act to create a Board of Police Commissioners in Cities having more than twenty-five thousand inhabitants; defining the powers and duties of said Commissioners, and fixing their terms of office and compensation."

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 42, read first and second times by title only, and referred to Committee on Affairs of Cities.

On motion by Miller of Lewis and Clark, the House adjourned at 11:30 A. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

TENTH DAY

Wednesday, January 16, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Selway, who is sick.

Journal of previous day read and approved.

Scallon, Thompson of Fergus and Potter, requested to have the record of today show that they were unavoidably absent yesterday at the time of recording vote for United States Senator, and that if they had been present they would have recorded their vote for Honorable Joseph M. Dixon for United States Senator. There being no objection it was so ordered.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

Jan. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following is the vote taken on the election of a United States Senator to succeed the Honorable W. A. Clark for the term expiring March 4th, 1913:

For Hon. Joseph M. Dixon, 18; for Hon. J. K. Toole, 7; for Hon. H. L. Frank, 2.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Mont., Jan. 16, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced:

By Tooley, Senate Bill No. 9, entitled a bill for an Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of State or Life Diplomas and the issuance of temporary State Certificates. Read first and second time and referred to Committee on Education.

By Romney. Senate Bill No. 10. A bill for an Act creating the Fourteenth Judicial District of the State of Montana, to be composed of the County of Ravalli, and providing for the appointment of a Judge thereof. Read first and second time and referred to Committee on Judiciary.

By McCone. Senate Bill No. 11. A bill for an Act to amend Section 4064 of the Political Code of the State of Montana, as amended by an Act approved March 4th, 1901, relating to licenses, and to repeal Section 4072 of the same Code, relating to Professional licenses. Read first and second time and referred to Committee on Finance and Claims.

By Sanders. Senate Bill No. 12. A bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators, and agents acting as operators, and to provide a penalty for the violation thereof. Read first and second time and referred to Committee on Labor and Capital.

By Donlan. Senate Bill No. 13. A bill for an Act to amend an Act entitled "An Act to amend the Act entitled 'An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection,' approved March 7, 1903, and repealing Sections '1, 2, 3, 4, 5, 6, 7 and 8 of said Act,'" approved March 4, 1905. Read first and second time and referred to Committee on Public Morals.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following report has been received from the Committee on Counties and Townes.

Senate Chamber, Helena, Montana. Jan. 15, 1907.

Mr. President:

Your Committee on Counties and Towns, to whom was referred Senate Bill No. 4, has the same under consideration and recommend that the same do pass.

DONLAN, Chairman.

The report was approved and referred to Printing Committee.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Conference Committee reported as follows:

Senate Tenth Legislative Assembly, The Capitol, Jan. 14th, 1907.

Mr. President:

We, your Conference Committee, appointed to meet with a like Committee from the House, for the purpose of deciding as to the number of copies of the Governor's message to be printed beg leave to report as follows:

That 1,000 copies of the message be printed; 300 for the use of the House, 200 for the use of the Senate and 500 for miscellaneous purposes.

500 copies of the Special message with the statement showing financial condition of the State, estimate and contingent expenses, etc., were printed for the use of the Senate, and by agreement, 300 of these copies were given to the House for its use.

SANDERS, Chairman.

The report was adopted.

Respectfully,

H. K. HOWRY, Secretary.

NOTICES OF BILLS.

By Miller of Park. A bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators, and agents acting as operators, and to provide a penalty for the violation thereof.

By Bennet. A bill abolishing the offices of State Game and Fish Warden and of Stock Inspectors, repealing the Acts creating the same and pro-

viding for the election of a Stock and Game Inspector in each County of the State, fixing the salaries for same and manner of payment, also providing for the disposition of money now in the Fish and Game fund.

By Gray. A bill amending House Bill 145 of the 1905 Session Laws, relating to public roads and highways, and providing for the establishment of road districts, and the election of road supervisors therefor by vote of the electors of such road districts.

By Swindlehurst. A bill for an Act entitled, "An Act amending Section 2941 of Article I, Part III, Title VII, of the Political Code of the State of Montana, relating to the recording of Marks and Brands, and providing a charge for such services."

REPORTS OF STANDING COMMITTEES.

Scallon, from the Committee on Judiciary, reported as follows:

January 16, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 6, introduced by Duncan, relating to the time within which public officers shall file their oaths of office, beg to report the same back to the House with the recommendation that it do pass.

On motion by Miller of Lewis and Clark, report was adopted.

House Bill No. 6 referred to Printing Committee.

Also:

January 16, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 14, introduced by Moore, providing for the reimbursement of Judges sitting in the place of disqualified Judges, beg leave to report the same back to the House with the recommendation that it do pass as amended, as follows:

Strike out the word "disqualified" in the title of the bill, and insert in lieu thereof the word "other." Strike out the same word in line one of Section one, and insert in lieu thereof the word "another."

In line 2 of Section 1 aforesaid, after the word "proceeding" insert the following: "In a district other than his own, or in the Supreme Court."

On motion by Miller of Lewis and Clark, report was adopted.

House Bill No. 14, as amended, referred to Printing Committee.

Miller of Lewis and Clark, from Committee on House Employees, reported as follows:

Helena, Mont., Jan. 16, 1907.

Mr. Speaker:

Your Committee on Employees would respectfully report that the Chairmen of the Committee on Fish and Game, Highways, and Fairs and Expositions, have selected Miss Elizabeth Lawler as clerk of such Committees. Also that the Chairmen of the Committees on Public Buildings and Libraries have selected Mrs. E. M. Ray as clerk of such Committees.

We have found them competent and recommend their appointment.

On motion by Bennet, report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Leighton, H. B. No. 43. A bill for an Act entitled "An Act appropriating money for the completing, furnishing and equipping of the building for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana, and for the fittings and furnishings of the Industrial Building and Gymnasium for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana, and for the erection and equipment of an additional building for hospital and other purposes at said Institutions, and also for the farm connected with the said Montana School for the Deaf and Blind at Boulder, Montana."

By Boorman, H. B. No. 44. A bill for an Act entitled "An Act to authorize the construction, furnishing and equipment including plumbing and architect's fees, at the Montana Soldiers' Home at Columbia Falls. To provide for the heating plant for the heating of all buildings at said Soldiers' Home, including said hospital building; to provide for the improvement of a cemetery ground, and the erection of a central monument in said cemetery of Montana Soldiers' Home, and appropriating money therefor."

By Whiteside, H. B. No. 45. A bill for an Act entitled an Act to provide for the creation and organization of irrigation districts; to provide for the election of three directors in each district, defining the duties and powers of such directors and fixing their compensation; to authorize the issuance of bonds and fixing the duration, character and form of said bonds, and making said bonds a lien upon the particular lands for the irrigation of which said bonds are issued; providing for the assessment of lands in such irrigation districts for the payment of the principle and interest of said bonds and for the administration expenses of said irrigation districts and the maintenance of all irrigation works in such district. To provide for the equalization of all district assessments by the directors of said districts; to provide for appeals from all decisions of the directors of irrigation districts. Making the County Treasurer in the Counties where such districts are organized the custodian of all funds and securities belonging to such districts. Providing for the sale of lands for delinquent assessments and the manner in which the same may be redeemed. To provide for the extension of such irrigation districts and the adjustment and payment of all differences between the old and new portion of such districts. To provide for the sale of water by any one district to any other district and fixing the manner and form of payment therefor and the manner in which differences between such districts shall be adjusted. Making and declaring the construction of all irrigation works to be a public use and granting right of way therefor over State lands, and exemption of all such irrigation works from taxation.

By Weed, H. B. No. 46. A bill for an Act entitled An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties; providing for appointment of assistants, appropriating money for expenses, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 43, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 44, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 45, read first and second times by title only, and referred to Committee on Irrigation and Water Rights.

H. B. No. 46, read first and second times in full, and referred to Committee on Railroads and Transportation.

JOINT SESSION.

At 12 o'clock noon, the Honorable Senate appeared before the bar of the House, and was duly admitted and received.

Lieutenant Governor in the Chair.

The Secretary of the Senate called the roll of the Senate. All present except Cardwell.

The Chief Clerk of the House called the roll of the House. All present except Selway.

The Secretary of the Senate read that section of Journal of the Senate of yesterday showing the ballot for United States Senator.

The Chief Clerk of the House read that section of House Journal of yesterday, showing the ballot for United States Senator.

Mr. President of the Senate then announced that the minutes just read show a vote in the Senate on yesterday of 18 for the Honorable Joseph M. Dixon, and in the House a vote of 52 for the Honorable Joseph M. Dixon for United States Senator. Having thus received a majority of all votes cast in both the Senate and the House, Mr. President then announced that the Honorable Joseph M. Dixon was duly elected United States Senator from the State of Montana to succeed Hon. W. A. Clark, whose term expires March 4th, 1907.

Miller of Park moved that a Committee of three be appointed to notify the Hon. Joseph M. Dixon of his election to the United States Senate, and that he be asked to address the Joint Assembly. Carried unanimously.

Mr. President appointed Representative Miller of Park, and Warren, and Senator Donlan, to conduct Senator-elect Joseph M. Dixon to the chair.

Senator-Elect Joseph M. Dixon then proceeded with an address of thanks to the Joint Assembly, and to the State of Montana.

On motion by Senator McCarthy, the Joint Assembly was dissolved and the Honorable Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Miller of Park, the House took a recess until 2 P. M.

AFTERNOON SESSION.

House resumed at 2 P. M.

Mr. Speaker in the chair.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Miller of Lewis and Clark, H. B. No. 47. A bill for an Act making it a misdemeanor for any State Officer, Board of Trustees, Managers, or Commissioners to contract any liability or indebtedness in excess of the amount appropriated by law for such officer or institution except for the Asylum for Insane and Penitentiary, and prescribing penalties therefor.

By Miller of Park, by request, H. B. No. 48. A bill for an Act entitled "An Act giving to lessors of farm lands a lien upon the crops grown upon the leased premises for the rent of such premises.

By Hyndman, H. B. No. 49. A bill for an Act appropriating money for the purchasing and erecting in the main hall of the Capitol, a bronze tablet to the memory of Captain James Williams.

By Manchester, H. B. No. 50. A bill for an Act entitled An Act to repeal Sections 535 and 536 of the Penal Code of the State of Montana, and to enact other sections in lieu thereof.

By Potter, H. B. No. 51. A bill for an Act entitled, "An Act to appropriate moneys for the payment of mileage and per diem for the members of the Tenth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof."

By Morgan, H. B. No. 52. A bill for an Act to amend Section one of an Act entitled, "An Act to create the County of Sanders, designate its boundaries, and provide for its organization and government, approved February 7, 1905."

By Shaw, by request, H. B. No. 53. A bill for an Act regulating the granting of new trials in Civil and Criminal Proceedings.

By Marshall, H. B. No. 54. A bill for an Act entitled An Act to provide for the appointment of a State Veterinary Medical Examining Board, describing their powers and duties and regulating the practice of Veterinary medicine within the State of Montana.

By Committee on Appropriations, H. B. No. 55. A bill for an Act entitled An Act authorizing the payment of certain claims for bounty and appropriating money from the State Bounty fund for the payment thereof.

By Whiteside, H. B. No. 56. A bill for an Act entitled "An Act to limit the hours of employment of persons engaged in the operation of railroad trains, limiting the hours of labor of telegraph operators, track dispatchers, express messengers and fixing the penalties for violation of this act; exempting co-employees from assuming any liability by reason of working with fellow employees who may be employed in violation of this Act and making all persons, corporations or companies violating this Act liable for all damage resulting therefrom."

MOTIONS AND RESOLUTIONS.

By Weed:

"Resolved, That the Chief Clerk of the House be instructed to prepare twice each week a card showing the present position of all House Bills and Joint Resolutions and Senate Bills and Resolutions in the House; and that the same be printed for the use of the House and Senate."

On motion by Weed, resolution adopted.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 47, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 48, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 49, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 50, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 51, read first and second times in full and bill withdrawn.

H. B. No. 52, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 53, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 54, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 55, read first and second times in full and re-referred to Committee on Appropriations.

H. B. No. 56, read first and second times by title only, and referred to Committee on Labor.

Bennet reports on behalf of Appropriation Committee that House Bill No. 55 has been considered by that Committee and recommends that it do pass, and be printed.

On motion by Blake, report adopted.

H. B. No. 55 referred to Printing Committee.

Motion by Marshall that cards containing list of Standing Committees be referred to Printing Committee and be printed. Motion carried.

Mr. Speaker announced that Dr. Campbell's name has been added to the Committee on Sanitary Affairs, and that Beckwith's name has been added to the Committee on Agriculture and Horticulture.

On motion by Blake, House Bills Nos. 10 and 11 were re-referred to Committee on Ways and Means.

Motion by Marshall that House Bill No. 1 be withdrawn from Committee on Railroads and Transportation, and be placed on calendar for second reading. Motion carried.

Motion by Tudor, that House revert to order of business No. 7 and that House Bill No. 1 be read in full. Motion carried and House Bill No. 1 read second time in full.

House Bill No. 1 re-referred to Committee on Railroads and Transportation.

On motion of Miller of Lewis and Clark, the House adjourned at 3:50 P. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

ELEVENTH DAY

Thursday, January 17, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Blake, Burke, English, Hyndman, Leighton, McDonald, Selway and Weed. Leighton excused; Selway sick.

Minutes of previous meeting read and approved.

Bennet from the Committee on Rules, reported as follows:

Helena, Montana, Jan. 15, 1907.

Mr. Speaker:

Your Committee on Rules begs to submit the following report:

Section 1. That Rule No. 1 be amended by adding the following: "Loud talk and smoking shall be discontinued on request of the Speaker."

Section 2. That Rule No. 37 be amended by adding the following words: "Provided, however, that bills creating offices, boards, etc., need not, on first and second reading, be read in full, but that only the title of the bill, together with the section or sections making such appropriations need be read."

With these amendments we recommend that the rules of the Ninth Legislative Assembly be adopted.

On motion, report adopted and referred to Printing Committee.

Allen moved that hereafter the Journal Committee be instructed to read the Journal and report each day to the House. Motion carried.

NOTICES OF BILLS.

By Goff. A bill for an Act entitled An Act to repeal Sections 4060, 4061, 4064, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4078, 4079, 4080, 4081 and 4082 of the Political Code relating to licenses of certain trades and occupations.

By Towers. A bill for an an Act entitled "An Act to amend Sections 1990 and 3280 of the Political Code, relating to Arbor Day.

REPORTS OF STANDING COMMITTEES.

Boorman, from the Committee on Highways, reported as follows:

Helena, Montana, Jan. 15, 1907.

Mr. Speaker:

Your Committee on Highways, by unanimous consent recommend the passage of House Bill No. 7, relating to temporary logging roads.

On motion of Miller of Lewis and Clark, report was adopted.

Miller of Lewis and Clark, from Committee on Employees, reported as follows:

Helena, Montana, Jan. 17, 1907.

We, your Committee on Employees, would respectfully report that the chairman on the Committee on Printing has selected Mr. Kirby Hoon as proofreader and clerk of such Committee. We find him competent and recommend his appointment.

On motion of Walker, report was adopted.

Also:

Helena, Montana, Jan. 17, 1907.

Mr. Speaker:

Your Committee on Employes would respectfully report that the chairman of the Committee on Enrollment has selected Miss Josephine Rader and Mrs. F. L. Shelton as clerks of that Committee. We examined them as to their competency and recommend their appointment.

Also that the Committee on Live Stock and Public Ranges and on Corporations other than Municipal have selected Miss Lottie Hardee as clerk on that Committee. We find her competent and recommend her appointment.

Also that the Committees on Railroads and Transportation, and Sanitary Affairs have selected Miss Alice M. Woody as clerk of their Committees and we recommend the selection be confirmed.

On motion of Manchester, report was adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, Jan. 17, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, to which was referred House Bill No. 17, introduced by Wendel, being a bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana, for their approval or rejection, of an amendment to Section 6, Article 13, of the Constitution of the State of Montana, relative to the indebtedness of Cities," begs leave to recommend that the bill be amended by striking out the words "so as to" on line 17, page 1, and inserting in lieu thereof the following words, to-wit: "by adding thereto the following words, to-wit: 'Or to procure a lighting plant for such municipality which shall own and control said lighting plant and devote the revenues derived therefrom to the payment of the debt incurred therefor' so that when amended said Section shall."

And your Committee respectfully recommends that said Bill do pass as amended, and that the same be referred to the Printing Committee.

On motion by Swindlehurst, report was adopted.

House Bill No. 17, as amended, referred to Judiciary Committee.

Scallon, from the Judiciary Committee, reported as follows:

January 17, 1907.

Mr. Speaker:

Your Committee on Judiciary has had under consideration House Bills Nos. 2 and 13, each providing for the creation of a new Judicial District to be called the Thirteenth Judicial District, one including therein the Counties of Yellowstone and Carbon and the other including therein the Counties of Yellowstone and Rosebud.

Your Committee, after consideration of said bills, has decided to report a substitute for both of said bills and now reports said House Bills Nos. 2 and 13, together with a substitute therefor, and recommend that the substitute bill do pass.

On motion of Miller of Lewis and Clark, report was adopted.

Substitute for House Bills Nos. 2 and 13 re-referred to Judiciary Committee.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 17, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 29 and 16 are correctly printed.

On motion of Whiteside, House Bill No. 16 was referred to Judiciary Committee.

Seallon, from the Judiciary Committee, reported as follows:

Mr. Speaker:

Your Committee on Judiciary, having had under consideration substitute for House Bills Nos. 2 and 13, report the same back with the recommendation that it do pass.

On motion of Miller of Park, report was adopted.

Substitute for House Bills Nos. 2 and 13 referred to Printing Committee.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Swindlehurst, H. B. No. 57. A bill for an Act entitled, "An Act amending Section 2941 of Article I, Part III, Title VII, of the Political Code of the State of Montana, relating to the recording of marks and brands, and providing a charge for such services."

By Miller of Park, H. B. No. 58. A bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators and agents acting as operators, and to provide a penalty for the violation thereof.

By Marshall, H. B. No. 59. A bill for an Act authorizing County Commissioners of each County to annually levy a special tax of six-tenths of one mill on the dollar upon the assessed value of all property in the County, to raise revenue for the special funds known as the "State Bounty Fund," "Sheep Inspection and Indemnity Fund," "Stock Inspector and Detective Fund," and "Stock Indemnity Fund;" to provide for the apportionment of said special tax to said special funds and for the control, use and disposition of said funds; and to repeal Sections 2990, 3016 and 3076, of the Political Code, together with all amendments to each of said Sections and to repeal Section 27 of Chapter 45 of the laws of 1905.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 57, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

H. B. No. 58, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 59, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

Allen moved that 500 copies of rules as last amended be printed. Motion carried.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

Helena, Mont., Jan. 16, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notices of Introduction of the following bills were given:

By Annin. A bill for an Act entitled an Act to prevent the obstruction, blockading, or interfering with the free use of public highways when the said highways cross any railroad track, outside of incorporated Cities and Towns within the State of Montana, and providing a penalty thereof.

Also a bill for an Act entitled, "An Act to amend Section 4, of an Act entitled an Act relating to municipal indebtedness and repealing Sections 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980 and 4981, of the Political Code of the State of Montana, approved March 6th, 1897.

By Everett. A bill entitled an Act to amend Sections 1279, 1355, 1360, 1408, 1410, 1412, 1413 and 1414, of the Political Code of the State of Montana, and Sections 1354 and 1361, of the same Code, as amended by House Bill No. 59, of the Laws of 1901, approved March 7th, 1901, relating to ballots, voting and election returns, and providing further protection for the voter while preparing his ballot and casting the same.

By Martien. A bill for an Act providing furnishing cabooses with conveniences.

Respectfully,

H. K. HOWRY, Secretary.
Helena, Mont., Jan. 16, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Miss Freda Agatz was this day appointed as clerk to the Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.
Helena, Montana, Jan. 16, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has this day appointed J. R. Franklin as watchman.

Respectfully,

H. K. HOWRY, Secretary.
Helena, Montana, Jan. 16, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following communication has been received from His Excellency, the Governor:

To the President of the Senate, Senate Chamber, Helena, Montana.

I have the honor to transmit herewith the names of certain persons appointed in vacation to fill certain offices, subject to the consent of the Senate, to-wit:

To be a member of the Board of Trustees of the Miscellaneous Department of the Historical Society of Montana, J. M. Boardman, of Lewis and Clark County, appointed March 4, 1905, vice Conrad Kohrs, resigned.

To be members of the State Board of Horticulture, T. T. Black, of Jefferson County, appointed March 13, 1905; Robert N. Sutherlin, of Cascade County, appointed March 6, 1906; W. J. Tiedt, of Ravalli County, appointed April 24, 1906.

To be a member of the Board of Managers of the Soldiers' Home, Martin Maginnis, of Lewis and Clark County, appointed April 14, 1905.

To be State Inspector of Coal Mines, J. B. McDermott of Lewis and Clark County, appointed November 28, 1905.

To be a member of the State Board of Education, J. M. Evans, of Missoula County, appointed February 26, 1906; O. W. McConnell, of Lewis and Clark County, to fill unexpired term of N. W. McConnell, resigned, appointed November 8, 1906; C. R. Leonard, of Silver Bow County, appointed November 8, 1906.

It was moved by Donlan that the above appointments be confirmed. Motion carried.

Respectfully,

H. K. HOWRY, Secretary.

GENERAL ORDERS.

Motion by Whiteside, that the rules be suspended and that the House resolve itself into Committee of the Whole for the consideration of bills. Motion carried.

Bennet in the chair.

House resumed.

Mr. Speaker in the chair.

Bennet, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 29, introduced by Committee on Appropriations, entitled, "An Act to appropriate moneys for the payment of mileage and per diem for the members of the Tenth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof," reports same back to the House with the recommendation that it do pass."

On motion by Corby, report was adopted.

Longstaff moved that House Bill No. 29 be considered as correctly engrossed and placed on final passage. Motion carried.

House Bill No. 29 was then read the third time and passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Campbell, Cameron, Cato, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—62.

Noes, none.

Absent and not voting—Blake, Burke, Corby, English, Hyndman, Leighton, McDonald, Macaulay, Scallon, Selway and Weed.—11.

Title agreed to.

REPORT OF STANDING COMMITTEE.

Bennet, from the Committee on Rules, reported as follows:

Mr. Speaker:

We, your Committee on Rules and Joint Rules, beg leave to report as follows:

That the rules be further amended by adding one new paragraph, or paragraph No. 3 to Rule 18 as follows:

"All requests for the appointment of clerks by chairmen of committees shall be made through the Committee on Employes and not otherwise, but the right of the chairmen of committees that are entitled to a clerk, to select the same shall not be abridged.

All clerks shall be subject to the order of the Chief Clerk when not occupied with the work of their committees.

On motion of Miller of Lewis and Clark, report adopted.

On motion by Swindlehurst, the House adjourned at 11:50 A. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

TWELFTH DAY

Friday, January 18, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Duncan, Fisher, Moore, Patten, Selway and Warren. Duncan excused; Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Thursday, January 17, and believe same to be correct.

On motion of Miller of Park, report was adopted.

NOTICES OF BILLS.

By Gray. A bill providing for fixing a maximum rate to be charged by any gas or electric light company.

By Tudor. A bill for an Act to authorize the erecting and equipping of a building at the Montana Agricultural College and Experiment Station at Bozeman, Montana, to be used by the departments of Agriculture, Horticulture, Animal Husbandry, Veterinary and Domestic Science and to provide an appropriation therefor.

REPORTS OF STANDING COMMITTEES.

Blake, from the Committee on Privileges and Elections, reported as follows:

January 18, 1907.

Mr. Speaker:

In the matter of the contest of the election of Richard Powers, to the office of Representative for the County of Silver Bow, in the Tenth Legislative Assembly, by James H. Hall, contestant:

We, your Committee on Privileges and Elections, beg leave to report that having made a thorough investigation of the matter of the above

named contest, find that the contestee, Richard Powers, was duly elected by the people of Silver Bow County as their Representative in the House.

On motion of Blake, report was adopted.

McManus, from the Committee on Mines and Mining, reported as follows:

Helena, Montana, Jan. 16, 1907.

Mr. Speaker:

We, the Committee on Mines and Mining, having had under consideration House Bill No. 21, report the same back with the recommendation that it do pass with the following amendments:

That the word "or," after the word "elected" in line 7, Section 1, shall be stricken out and the word "and" be inserted in place thereof, and that Section 4 be substituted as Section 3, and Section 3 be substituted as Section 4.

That said substituted Section 3, be amended to read as follows: "The inspector of mines shall only receive, in addition to his salary the actual and necessary expenses incurred by him, while in the performance of his duties, and in no case shall he receive as such expenses to exceed One Thousand Dollars (\$1000) per annum.

On motion of McManus, report adopted.

Tudor, from Committee on Public Buildings and Grounds, reported as follows:

Mr. Speaker:

Your Committee on Public Buildings and Grounds respectfully recommends that House Bill No. 19, a bill introduced by Mr. Whiteside for the erection of a Hospital Building at the Soldiers' Home, be adopted and passed with Sections 3 and 5 stricken from the bill.

On motion of Whiteside, report adopted.

House Bill No. 19, as amended, referred to Printing Committee.

Ross, from the Committee on Labor, reported as follows:

January 17, 1907.

Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 58, introduced by Miller of Park, being a bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators, and agents acting as operators, and to provide a penalty beg leave to report the same back to the House with the following amendments:

Insert after the words "consecutive hours" in line 7 of Section 1 of said bill the following: "or to be on duty for more than 16 hours in the aggregate in any 24 hour period." Also to insert in line 8 of Section 1, in the place of "for rest" the words "off duty."

That Section 2 of said bill be amended by inserting in line 7 of Section 2, the words, "One Hundred Dollars (\$100.00)" in place of Twenty-five Dollars (\$25.00), and line 8 of said Section 2 be inserted the words "Five Hundred Dollars (\$500.00)" in place of "One Hundred Dollars (\$100)."

We recommend that said House Bill No. 58 as amended do pass.

Your Committee having under consideration House Bill No. 56, being an Act entitled "An Act to limit the hours of employment of persons en-

gaged in the operation of railroad trains, limiting the hours of labor of telegraph operators, trick dispatchers, express messengers, and fixing the penalties for violation of this Act, exempting co-employees from assuming any liability by reason of working with fellow employees who may be employed in violation of this act, and making all persons, corporations and companies violating this Act liable for all damages resulting therefrom, recommend that the same be indefinitely postponed.

On motion of Ross, report was adopted.

House Bill No. 58, as amended, referred to Printing Committee.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 18, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills Nos. 14 and 6 have been correctly printed.

Brewster, from the Committee on Livestock and Public Ranges, reported as follows:

Mr. Speaker:

We, the Committee on Livestock and Public Ranges, having had under consideration House Bill No. 32, introduced by Brewster, "A Bill for an Act for the inspection of cattle to be removed from the State of Montana," do recommend that the same do pass as amended as follows: Strike out that portion of Section 1 beginning with the word "either" in line 8 of said Section 1, and ending with the word "inspection" in line 10 thereof, and insert in lieu thereof the following: "any point where the State Board of Stock Commissioners maintain a stock inspector."

On motion of Miller of Lewis and Clark, report was adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:

House of Representatives, Tenth Legislative Assembly, Jan. 17, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 39, introduced by Wendel, A bill for an Act entitled "An Act authorizing city and town councils to provide for and regulate the inspection and measuring of gas and of electric light and power," begs leave to recommend that it do pass.

On motion of Wendel, report was adopted.

House Bill No. 39 referred to Printing Committee.

Schallon, from the Judiciary Committee, reported as follows:

Jan. 18, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 53, an Act regulating the granting of new trials in civil and criminal proceedings, beg leave to report the same back to the House with the recommendation that the same be indefinitely postponed.

On motion of Miller of Park, report was adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:

House of Representatives, Tenth Legislative Assembly, Jan. 17, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 50, introduced by Manchester, being a bill entitled "A bill

for an Act relating to Sections 535 and 536 of the Penal Code of the State of Montana relating to the sale of intoxicating liquors within a certain distance of cemeteries and public parks," begs leave to recommend that the bill be amended by striking out on line 5, Section 535 as follows, to-wit: "Or for selling or otherwise disposing of any article of merchandise," and your Committee respectfully recommends that the bill do pass as amended.

On motion of Macaulay, report adopted.

H. B. No. 50 referred to Printing Committee.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Goff, H. B. No. 60. A bill for an Act entitled, "An Act to repeal Section 4060, 4061, 4064, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4078, 4079, 4080, 4081, and 4082, of the Political Code, relating to licenses of certain trades and occupations."

By Committee on Appropriations, H. B. No. 61. A bill for an Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Reform School.

By Committee on Appropriations, H. B. No. 62. A bill for an Act making appropriation for the incidental expenses of the Tenth Legislative Assembly of the State of Montana.

By Committee on Appropriations, H. B. No. 63. A bill for an Act appropriating money for the payment of deficiency claims of the Public Printing for expenses incurred.

By Committee on Appropriations, H. B. No. 64. A bill for an Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans' Home at Twin Bridges, Montana.

By Hyndman, H. B. No. 65. A bill for an Act appropriating money for the erecting and equipping of additional buildings for the State Orphans' Home at Twin Bridges, Montana, and for the construction of a sewerage system in connection with same.

By Gray, H. B. No. 66. A bill for an Act entitled, "An Act concerning the taxation of real estate encumbered by mortgage, deed of trust, contract, or other evidence of indebtedness."

By Committee on Appropriations, H. B. No. 67. A bill for an Act to appropriate money for the payment of the deficiency claim of Mitchell & Mussigbrod for the care of patients of the Insane Asylum for the year 1906.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 60, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 61, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 62, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 63, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 64, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 65, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 66, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 67, read first and second times in full, and referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

Bennet, from the Committee on Appropriations, reported as follows:
Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 61, beg leave to report same back to the House with the recommendation that it do pass.

Also:

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 62, beg leave to report same back to the House with the recommendation that it do pass.

Also:

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 63, beg leave to report same back to the House with the recommendation that it do pass.

Also:

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 64, beg leave to report same back to the House with the recommendation that it do pass.

Also:

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 67, beg leave to report same back to the House with the recommendation that it do pass.

On motion of Miller of Lewis and Clark, the several reports of the Committee on Appropriations were adopted.

House Bills Nos. 61, 62, 63, 64 and 65, were referred to Printing Committee.

MOTIONS AND RESOLUTIONS.

By Marshall:

BE IT RESOLVED, That the Secretary of State be directed to furnish and the Sergeant-at-Arms be instructed to keep on the floor of the House for the use of the members, at least three copies of the Codes of Montana and the Session Acts of the Sessions since the Session of 1895.

On motion of Marshall, resolution was adopted.

By Weed, House Resolution:

RESOLVED, That the Honorable Senate be requested to grant the House the use of one of its committee rooms.

On motion of Weed, resolution adopted.

NOTICES OF BILLS.

By Towers. A bill to authorize the construction of the girls' building at the State Reform School, and to construct a hospital at such Reform School, and to appropriate money for all said purposes.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Executive Office, Helena, Mont., Jan. 18, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to call the attention of the House of Representatives to an Act of Congress entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906.

In order to avail ourselves of the benefit of this act it is necessary that the Legislative Assembly of this State should give its assent to the same.

The first installment provided for in the act has been paid to the State upon the assent of the Governor thereof, duly certified by the Secretary of the Treasury.

I enclose herewith a copy of the assent herein referred to, and express the hope that the necessary legislative assent be given in order that we may have the benefit of the future appropriations referred to in said act.

J. K. TOOLE, Governor.

The assent referred to above, reads as follows:

Executive Office, Helena, Mont., March 27, 1906.

I, Joseph K. Toole, Governor of the State of Montana, do hereby certify that the Legislative Assembly of said State is not in session, and further, in order that the said State of Montana may avail itself of the benefits of an act of the Congress of the United States, entitled an Act "to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906, I do hereby assent to the provisions of said Act, and for and on behalf of the State of Montana, do hereby consent to receive the benefits thereof in the manner and form and for the purposes in said act intended and provided, and in pursuance thereof I hereby designate the Montana Agricultural Experiment Station, situated at Bozeman in the State of Montana, as the beneficiary of the fund in said act mentioned, and the treasurer of the executive board of the College of Agriculture and Mechanic Arts at said City of Bozeman is hereby designated as the custodian of said funds.

(Signed) J. K. TOOLE.

By the Governor.

(Seal) Attest: (Signed) A. N. YODER, Secretary of State.

Communication referred to Committee on State Institutions and Public Buildings.

Helena, Montana, Jan. 17, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills have been introduced:

By Martien, Senate Bill No. 14. A bill for an Act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as said Section

is amended by an Act approved March 11, 1901, entitled, "An Act to amend Section 32, Title I, Part I, Chapter LV, of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana," relating to the election and term of office of District Judges. Read first and second time and referred to Committee on Judiciary.

By Annin, Senate Bill No. 15. A bill for an Act entitled "An Act to prevent the obstruction, blockading or interfering with the free use of public highways where the said highways cross any railroad track outside of incorporated cities and towns within the State of Montana, and providing a penalty therefor." Read first and second time and referred to Committee on Roads, Highways and Bridges.

Also Senate Bill No. 16, A bill for an Act entitled an Act to amend Section 4 of an Act entitled an Act relating to municipal indebtedness and repealing Sections 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, and 4981, of the Political Code of the State of Montana, approved March 6th, 1897. Read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 17, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notices of Introduction of the following bills have been given:

By White. A bill for an Act to amend Section 4632, Part IV, Title II, of the Political Code of the State of Montana, relating to Fees of Notary Public.

By Truscott. A bill for an Act entitled, "An Act providing for the inspection of cattle to be removed from the State of Montana upon any railway or railroad."

By Bielenberg. A bill for an Act authorizing the transfer of all records and papers in any action or proceeding affecting real property in any new county heretofore created, and providing the method of transferring and certifying such records.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 17, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 29 was read first and second times and referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.

The following communication was this day sent to the Governor:

Hon. Jos. K. Toole, Governor, Helena, Montana.

Sir:—We hereby notify you that on the 15th day of January, 1907, assembled (according to law) for the purpose of electing a United States Senator, to represent the State of Montana in the Congress of the United States to succeed the Hon. W. A. Clark, whose term of office expires on March 4th, 1907, a ballot was taken in the Senate of the State of Montana, with the following results:

The Hon. Jos. M. Dixon, 18; the Hon. J. K. Toole, 7; the Hon. H. L. Frank, 2.

On the same day a ballot for United States Senator was duly taken in the House of Representatives of the State of Montana, with the following results:

The Hon. Jos. M. Dixon, 52; the Hon. J. K. Toole, 10; the Hon. H. L. Frank, 4; the Hon. W. G. Conrad, 2; the Hon. Edwin Norris, 1; Absent, 4.

On January 16th, 1907, the Senate and House of Representatives of the State of Montana, met in Joint Assembly (according to law), and the Secretary of the Senate having read that portion of the minutes of the day previous relative to the ballot for a United States Senator in the State Senate, and the Chief Clerk of the House of Representatives having read that portion of the Journal of the day previous relative to the ballot for a United States Senator, in the House: And it thus appearing to the Joint Assembly, from the reading of the minutes of the Senate and the House of Representatives, that the Hon. Joseph M. Dixon has received a majority of all the votes cast, the 15th day of January, 1907, in each the Senate and in the House of Representatives, the President of the Joint Assembly declared the Hon. Jos. M. Dixon, the duly elected United States Senator from the State of Montana in the Congress of the United States.

Respectfully yours,

EDWIN NORRIS,

Lieut. Governor Edwin Norris, and President of the Joint Assembly.

NATHAN GODFREY,

Chief Clerk of the House and Clerk of the Joint Assembly.

Dated at Helena, Montana, January 18, 1907.

GENERAL ORDERS.

On motion of Miller of Lewis and Clark, the House resolved itself into a Committee of the Whole for the consideration of House Bills Nos. 6 and 14.

Miller of Lewis and Clark in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Lewis and Clark, reported as follows:

Mr. Speaker:

Your Committee of the Whole, to which was referred House Bill No. 6, would respectfully report that it has had the same under consideration and reports it back to the House with the recommendation that it do pass.

Also that it has had under consideration House Bill No. 14 and report the same back with the recommendation that it do pass.

Report adopted.

On motion of Allen, the House adjourned at 11:45 A. M. to meet Monday at 2 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FIFTEENTH DAY

Monday, January 21, 1907.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Blake, Duncan, Greene, Kirwan, Kroger, Miles, Porter and Powers. Duncan and Powers excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Friday, January 18, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

A petition from residents of Sanders County, referring to boundary of said County, was received and read, and referred to Committee on Townships and Counties.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment reports the following House bill as correctly enrolled, this 21st day of January, 1907:

House Bill No. 29. An Act to appropriate moneys for the payment of mileage and per diem for the members of the Tenth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof."

NOTICES OF BILLS.

By Logan. A bill to provide for the taxation of incomes of residents of the State of Montana.

By Logan. A bill entitled "A bill for an Act entitled an Act to provide for the incorporation, management and regulation of mutual companies for the insurance of the property of the members against loss or damage by fire, or the elements."

By Boorman. A bill entitled "A bill for an Act entitled an Act requiring all saloons and places where liquors are sold under a liquor license issued under the laws of Montana to be and remain closed from and after twelve o'clock (midnight) until six o'clock the following morning."

By Morris. A bill for an Act entitled, "An Act to prevent the adulteration or dilution of articles of food, drink, drug, medicine, strong, spirituous or malt liquor, or wine or any article useful in compounding either of them, and to prevent the sale, keeping for sale, or offering for sale thereof; and to repeal Sections 682 and 683 of the Penal Code."

By Seidler. A bill for an Act to amend Section 17, Penal Code of Montana as amended by Chapter 39, of the Session Laws of 1905, relating to the sale of intoxicating beverages within certain limits of logging camps, saw mills, irrigation construction work, and railroad grading camps.

By Hyndman. A bill for an Act to regulate the sale, use and redemption

of transportation tickets of common carriers and providing penalties for the violation thereof.

By Miller of Park. A bill for an Act to repeal Section 1313, Part II, Title X, Chapter 3, of the Code of Civil Procedure of the State of Montana, and to provide for the recovery of the value of permanent improvements which have been placed upon real estate by persons in the possession thereof, and holding the same in good faith and under color of title.

By Miller of Park. A bill for an Act entitled "An Act to amend Chapter VI, Title XIII, of the Penal Code of the State of Montana, relating to extortion, by adding thereto, a Section to be designated as Section 924."

By Whiteside. A bill to limit the hours of labor of railway express messengers, telegraph operators and dispatchers.

By Whiteside. A bill to amend Chapter 59 of the Eighth Session Laws, relating to the appointment of a State Entomologist, to prescribe his duties and appropriate money to pay traveling and laboratory expenses.

By Campbell. A bill for an Act to establish a geological survey of Montana, and to make appropriations therefor.

By Brownlee. A bill for an Act to amend Sections 1675 and 2460 of the Penal Code of Montana, relating to the issuing of subpoenas by magistrates in criminal actions in Justice Courts.

By Marshall. A bill for an Act to amend Section 313 of the Political Code, relating to the distribution of public reports.

By Wendel. A bill for an Act entitled "An Act authorizing the Board of Directors of the Montana State Fair to purchase the Grand Stand erected upon the State Fair grounds, and appropriating money therefor."

By Weed. A bill for an Act to amend Section 1355 of Chapter I, Part II, of the Criminal Code of Montana, relating to the rights of the defendant in criminal actions.

By Wendel. A bill for an Act entitled "An Act making appropriations for the maintenance of the Montana State Fair and for permanent improvements on the grounds thereof for the fiscal years ending November 30th, 1907, and November 30th, 1908."

By Cato. A bill for "An Act amending Section 3671 of the Political Code of the State of Montana, relating to property liable to taxation."

By Corby. A bill entitled An Act for the better protection of employes by preventing superintendents, foremen and assistants from receiving or soliciting any sums of money or other valuable consideration from persons while in their employ, and providing a penalty for violation of the same.

By Miller of Lewis and Clark. A bill for an Act requiring all railroad companies to keep a watchman at the grade crossings of all generally traveled streets, in towns or cities of not less than 2,000 inhabitants, from 6 o'clock A. M. until 8 o'clock P. M., and providing penalties for failure so to do, the method of collecting such penalties and disposal of same.

By Miller of Lewis and Clark. A bill for an Act to repeal an Act of the Eighth Legislative Assembly entitled An Act to prevent wrongs to children and dumb animals and to establish a bureau of child and animal protection.

Mr. Speaker announced that he was about to sign House Bill No. 29, "An Act to appropriate moneys for the payment of mileage and per diem for the members of the Tenth Legislative Assembly of the State of Montana, also for the payment of per diem of the officers and attachees thereof," and signed the same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 21, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that H. B. No. 7 has been correctly printed.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to whom was referred House Bill No. 30, introduced by Brownlee, entitled, "A bill for an Act entitled An Act requiring all railroad companies in the State of Montana to stop all regular passenger trains at each county seat located on the line of said roads in the State of Montana, and providing penalties for violation thereof," having had the same under consideration report the same back with the recommendation that Section 2 be amended by striking out the following words," and also the conductor of each regular passenger train so operated or run through or within this state."

And said Bill be further amended by striking out the word "thirty" in Section 4 of the said bill, and inserting in lieu thereof the word "ninety." And recommend that, as amended, the said bill do pass.

On motion of Brewster, report adopted.

House Bill No. 30, as amended, referred to Printing Committee.

Decker, from the Committee on Irrigation, reported as follows:

Mr. Speaker:

Your Committee on Irrigation having had under consideration House Bill No. 45, entitled, An Act to provide for the creation and organization of irrigation districts; to provide for the election of three directors in each district, defining the duties and powers of such directors and fixing their compensation; to authorize the issuance of bonds and fixing the duration, character and form of said bonds, and making said bonds a lien upon the particular lands for the irrigation of which said bonds are issued; providing for the assessment of lands in such irrigation districts for the payment of the principal and interest of said bonds and for the administration expenses of said irrigation districts and the maintenance of all irrigation works in such districts; to provide for the equalization of all district assessments by the directors of said districts; to provide for appeals from all decisions of the directors of irrigation districts. Making the County Treasurer in the Counties where such districts are organized the custodian of all funds and securities belonging to such districts. Providing for the sale of lands for delinquent assessments and the manner in which the same may be redeemed. To provide for the extension of such irrigation districts and the adjustment and payment of all differences between the old and new por-

tion of such district. To provide for the sale of water by any one district to any other district and fixing the manner and form of payment therefor and the manner in which differences between such districts shall be adjusted. Making and declaring the construction of all irrigation works to be a public use and granting right of way therefor over state lands, and exemption of all such irrigation works from taxation; begs leave to report the same with the recommendation that it be passed with the following amendments:

In Section 1, line 4, strike out the word "value" and insert in lieu thereof the word "acreage." In line 5, Section 1, strike out the word "equalize."

In Section 2, line 7, strike out the word "value" and insert in lieu thereof the word "acreage." Add to Section 2 the following: "Lands of the district need not be contiguous and any particular tract or tracts irrespective of location in the district may be excluded, such excluded lands being accurately described in the final order made by said Board." On page 4, Section 4, after the word "Board" insert the words "which must be held not later than ten days." On page 4, line 17, strike out the words "and determined." Strike out all of the last line of Section 4 and insert the words "in the District Court and the same shall be determined without delay."

In line 3, Section 8, after the word "estate" insert the words "or the duly authorized agent of any corporation or company owning land."

Add to Section 10 the following: "and each elector shall be permitted to cast one vote for each forty acres of irrigable land or major fraction thereof owned by such elector in the division where his ballot is cast, but any elector owning less than twenty acres shall be entitled to cast one vote."

Add to Section 18 the following: "Said bond to be payable to the State for the benefit of the District."

On page 10, Section 22, line 9, strike out the word "value" and insert in lieu thereof the word "acreage." After the word "land" insert the following "subject to assessment for district purposes." In the same line strike out the word "equalized."

Add to Section 23 the following: "And a certified copy of the same shall be filed for record in the office of the County Clerk and Recorder in the County containing the divisions where such changes are made."

In line 12, Section 26, strike out the words "one hour after sunrise" and insert in lieu thereof "at eight o'clock." In line 13, same section, strike out the word "sunset" and insert in lieu thereof "five P. M."

In line 1, Section 30, strike out the word "resident," and add to Section 30 the following: "but not necessarily a resident in district."

In line 7, Section 36, strike out the word "value" and insert in lieu thereof the word "acreage."

In line 2, Section 44, after the word "district," insert the following: "such water and irrigation works belonging to the owner of said lands."

Line 4, Section 49, after the word "used" insert the word "beneficially."

In line 9, Section 52, after the word "issued" insert the following: "at such election each elector shall be entitled to cast the number of votes as provided in Section 10 of this Act." On page 23, Section 52, in line 5 on said page, after the word "otherwise" insert the word "fairly."

In line 5, Section 53, strike out the word "six" and insert in lieu thereof the word "seven."

In line 4, Section 64, after the word "provided" insert the words "for appeal."

In line 1, Section 67, strike out the words "during the first ten" and insert in lieu thereof "after the lapse of five." In line 4, Section 67, after the word "one," insert the words "and one-half."

In line 5, Section 81, after the word "the" insert the words "President or any." In the same line and section strike out the word "members" and insert the word "member." In line 6, Section 81, strike out the word "personally" and insert in lieu thereof "in the absence of the President."

On page 33, line 1, Section 87, strike out the words "appeal to" and insert in lieu thereof the words "tried in."

Strike out Section 88 and insert in lieu thereof the following: "In the event of any money remaining in the construction fund after the completion of any district project, the same shall be transferred to the sinking fund for the redemption of bonds."

Strike out Section 88 and add in lieu thereof the following: "Section 89. The Board of Directors shall have power to transfer money from any one fund to any other fund, except that no money shall be drawn from the sinking fund or construction fund except as specifically provided in this Act."

"Section 90. Any lands belonging to the State of Montana, or to the United States may be included in any irrigation district, but such lands shall not be liable for the payment of any assessments for any purpose except as herein specifically provided. Where any such State or United States lands subject to irrigation in any district are under lease, or occupied by settlers, such lessee or settler may be assessed for the following purposes, maintenance, administration and interest on bonds. All such assessments to be a lien upon any crops or products grown on such lands such assessments to be collected in the same manner as State or County taxes on personal property. In the event that any such State or Government land in any district is sold to any person, corporation or company such land shall immediately become liable for all assessments in the same manner as other lands in the district and the water apportioned to said land by the directors shall be appurtenant to the land and inseparable therefrom.

"Section 91. All Acts and parts of Acts in conflict with this Act are hereby repealed.

"Section 92. This Act shall be in force from and after its passage and approval."

Add to the title of said bill the following:

"To provide for the payment and transfer of money to or from the various funds of said district. To provide for the manner in which lands belonging to the State or to the United States may be included in such districts making the lessees or settlers of such lands liable for certain assessment and providing for the collection of such assessments and fixing the time wherein the water apportioned to such public land shall become appurtenant to the same."

Report referred to Printing Committee.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 14 correctly engrossed.

Also:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 6 correctly engrossed.

Miller of Lewis and Clark, from Committee on Employes, reported as follows:

Mr. Speaker:

Your Committee on Employes would respectfully report that the chairmen of the Committee on Irrigation and Water Rights, and State Boards and Officers, have selected Miss Edith Decker; also that the Committee on Engrossment has selected Miss Edith Gray, and the Committee on Printing has selected Miss Maud Clemens as clerks of these several Committees and we have examined them as to their competency and recommend their appointment.

Report adopted.

MOTIONS AND RESOLUTIONS.

"Whereas: Owing to the death of his father, Hon. Richard E. Powers, Representative from Silver Bow County is forced to be absent several days from the sessions of the Tenth Legislative Assembly; therefore be it

Resolved, That the members of the Tenth Session of the House of Representatives hereby express our heartfelt sympathy to the Hon. Richard E. Powers and his family in this their hour of grief; and be it further

Resolved, As a token of respect to the Hon. Richard E. Powers and family, that these resolutions be spread on the Journal.

Resolved, further; That the Hon. Richard E. Powers be granted leave of absence for a period of three days.

GUS H. HESS,
DONALD CAMPBELL,
C. J. CUTLER,
P. H. MANCHESTER,
JAS. F. McMANUS,
GEO. C. McDONALD,
L. A. WALKER,
ALEXANDER MACAULAY,
JOSEPH CORBY,
THOS. J. BENNETTS,
WILLIAM SCALON.

Resolution adopted.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

Executive Office, Helena, Mont., Jan. 21, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith a copy of a letter received from the Acting Auditor for the State and other departments at Washington, bearing date January 15, 1907, and relating to the amount of money to

be paid to the State of Montana under the Act providing for the payment of ten per centum of all money received during the fiscal year 1906 from the forest reserves located in the State of Montana.

J. K. TOOLE, Governor.

Communication referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Bennett of Madison, H. B. No. 68. A bill for an Act to repeal Sections, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2990 and 2991, of the Political Code of the State of Montana and to repeal House Bill No. 147, Session Laws of the Seventh Legislative Assembly providing for the appointment of a State Game and Fish Warden and Special Deputy Game and Fish Warden, and to repeal Chapter Fifty-seven, Session Laws of 1905, relating to Fish and Game licenses, and to provide for the appointment of Stock and Game Inspectors, defining their duties and providing for their compensation, and to provide for the licensing of non-resident hunters, and penalties for the violation of Stock and Game Laws.

By Committee on Appropriations, H. B. No. 69. A bill for an Act entitled an Act authorizing the payment of certain claims for bounty and appropriating money from the State Bounty Fund for the payment thereof.

By Committee on Appropriations, H. B. No. 70. A bill for an Act appropriating money for the payment of deficiency claims of the State Encampment of 1905 of the National Guard of Montana.

By Committee on Appropriations, H. B. No. 71. A bill for an Act appropriating money for the payment of certain deficiency claims in connection with the State Auditor's Office.

By Committee on Appropriation, H. B. No. 72. A bill for an Act appropriating money for the payment of certain deficiency claims in connection with the State Examiner's office.

By Marshall, H. B. No. 73. A bill for an Act entitled "An Act to provide for the filing of transcripts of judgments from the Circuit and District Courts of the United States Ninth Circuit, District of Montana, with the District Court Clerk of any County in this State, and when so filed such judgment to become a lien upon all real property of the judgment debtor not exempt from execution in such county, owned by him at the time."

By Tudor, H. B. No. 74. A bill for an Act entitled "An Act to authorize the erection and equipment of a building at the Montana Agricultural College and Experiment Station at Bozeman, Montana, for the use of the Departments of Agriculture, Horticulture, Animal Husbandry, Veterinary, and Domestic Science, and making an appropriation therefor.

By Blewett, H. B. No. 75. A bill for an Act entitled "An Act to amend Section 3800 and 3806 of the Political Code of the State of Montana as the same are now in force after amendment by an Act entitled "An Act to amend Section 3806 of Article II, Chapter VIII, of the Political Code of Montana, relating to the collection of property taxes," approved March 7th, 1899, and also to amend Section 3807 of said Political Code, relating to the time the County Treasurer must attend at the office of the County Clerk with

the duplicate assessment book to be there compared with the original, and to amend an Act entitled "An Act to amend Section 3873 of the Political Code of the State of Montana, relating to the publication of delinquent taxes and to make the same more explicit," approved February 28th, 1901, and to provide a different time for the payment of property taxes."

By Whiteside, H. B. No. 76. A bill for an Act entitled "An Act to provide for the incorporation, management and regulation of mutual companies for the insurance of the property of the members against loss or damage by fire or the elements."

By Beckwith, H. B. No. 77. A bill for an Act creating the Fourteenth Judicial District of the State of Montana, to be composed of the County of Ravalli, and providing for the appointment of a Judge thereof.

By Towers, H. B. No. 78. A bill for an Act entitled "An Act to authorize, empower and direct the Board of Trustees of the Montana State Reform School at Miles City, Montana, to finish and complete the construction and furnishing of the girls' building at said Montana State Reform School; also to authorize, empower and direct the construction and furnishing of a hospital building at said Reform School and to appropriate money for all of said purposes."

By Allen, H. B. No. 80. A bill for an Act entitled, An Act to amend Sections 9 and 10, of Article II, Sections 17, 18 and 25, of Article II, Sections 29, 30 and 32, of Article IV, Section 35, of Article VI, Sections 44, 47, 48 and 50, of Article VII, Section 52, of Article VIII, and Section 62 of Article IX, and to repeal Section 8, of Article II, and Sections 53, of Article VII, of Chapter 44, of the Session Laws of 1903, approved March 2, 1903, and to repeal Sections 1, 2, 3, 4 and 5 of Chapter 76, of the Session Laws of 1905, approved March 3, 1905.

By Towers, H. B. No. 79. A bill for an Act entitled an Act to amend Sections 1990 and 3280 of the Political Code, relating to Arbor Day.

By Gray, H. B. No. 81. A bill for an Act entitled, "An Act to empower the City Council, or corporate authorities of any City, Town, or Village, to regulate the rates and charges to be allowed corporations, or individuals for furnishing water, gas or electricity to any such city, town or village, or the inhabitants thereof, and to fix the maximum rates therefor."

Morris asks unanimous consent to introduce a bill without notice. Consent given.

By Morris, H. B. No. 82. A bill for an Act to amend Sections 2505 and 2506 of the Civil Code of the State of Montana, relating to Innkeepers.

Thompson of Fergus asked unanimous consent to introduce a bill without notice. Consent given.

By Thompson of Fergus, H. B. No. 83. A bill for an Act to establish County Free High Schools and to provide for their maintenance, and repealing "An Act to establish County Free High Schools and provide for their maintenance," approved March 3, 1899, and repealing "An Act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 19, and to repeal Sections 21 and 2 of Substitute for House Bill No. 69, an Act to establish County Free High Schools and to provide for their maintenance, approved March 3, 1899, and to re-number certain Sections of said Act," approved March 14, 1901; also

repealing Chapter LXIX of the Laws of 1903 entitled "An Act to amend Sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to the election of the trustees of the County Free High Schools," approved March 5, 1903, and to validate everything done under any of said Acts of March 3, 1899, March 14, 1901, and March 5, 1903.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 68, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 69, read first and second times in full, and referred to Committee on Appropriations.

H. B. N. 70, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 71, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 72, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 73, read first and second times in full, and referred to Judiciary Committee.

H. B. No. 74, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 75, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 76, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 77, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 78, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 79, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 80, read first and second times by title only, and referred to Committee on Highways.

H. B. No. 81, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 82, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 83, read first and second times by title only, and referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

Bennet, from the Committee on Appropriations, reported as follows:

Helena, Montana, Jan. 21, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bills numbered 69, 70, 71 and 72, beg leave to report as follows:

That we have had same under consideration and recommend that they be passed.

On motion of Miller of Park, report adopted.

House Bills No. 69, 70, 71 and 72 referred to Printing Committee.
Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 21, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 58 and Substitute for House Bills 2 and 13 have been correctly printed.

Report adopted, and House Bill No. 58 and Substitute for House Bills Nos. 2 and 13 placed on general orders.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

Helena, Montana, Jan. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Concurrent Resolution No. 3 was this day adopted and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced:

By Bielenberg, Senate Bill No. 17. A bill for "An Act authorizing and directing the transfer of all records and papers in any action or proceeding affecting real property in any new county heretofore created, or hereafter created, and providing the method of transferring and certifying such records." Read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

By Truscott, Senate Bill No. 18. A bill for an Act entitled "An Act providing for the inspection of cattle to be removed from the State of Montana upon any railway or railroad. Read first and second time and referred to Committee on Stock Growing and Grazing.

By White, Senate Bill No. 19. A bill for an Act appropriating money for the payment of M. S. Gunn for legal services rendered in the matter of litigation involving the validity of bonds issued and to be issued against the State Normal College Land Grant. Read first and second time and referred to Committee on Finance and Claims.

By White, Senate Bill No. 20. A bill for an Act to amend Section 4632, Part IV, Title II, of the Political Code of the State of Montana, relating to fees of Notaries Public. Read first and second time and referred to Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 20 was read third time and concurred in, and is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that Notices of Introduction of the following bills were given:

By Romney: A bill or bills providing that not less than nine months of school shall be held in all districts of the first and second classes; providing the necessary funds therefor and repealing all laws in conflict with such provisions.

By Donlan. A bill for an Act to amend Section 552 of Article 14, of Chapter 3 of Title 1, of Part 3, of the Political Code.

By White. A bill for an Act entitled an Act to amend Chapter 32 of the Laws of 1903, relating to annual reports of corporations.

By Annin. A bill for an Act entitled an Act to enable Cities and Towns incorporated under the laws of this State to fix the rates and charges for the supply of water furnished by any individual, company or corporation to any such city or town and the inhabitants thereof.

Also a bill for an Act entitled an Act to enable cities and towns incorporated under the laws of this State to fix the rates and charges for the supply of lights furnished by any individual, company or corporation to any such city or town or the inhabitants thereof.

Respectfully,

H. K. HOWRY, Secretary.

THIRD READING OF HOUSE BILLS.

Motion by Walker, that House Bill No. 6 be considered read at length. Motion carried.

House Bill No. 6 was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, English, Farmer, Fisher, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Blake, Duncan, Greene, Harden, Kirwan, Kroger, Leighton, Maxwell, Miles, McManus, Potter, Powers, Root, Scallon and Selway.—15.

Title agreed to.

On motion by Moore, House Bill No. 14 was considered read at length, and was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, English, Farmer, Fisher, Gerber, Goff, Griffin, Harbordt, Harden, Hess, Hyndman, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers,

Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Blake, Duncan, Green, Gray, Kirwan, Kroger, Leighton, Miles, Potter, Powers, Root, Scallon, Selway and Warren.—14.

Title agreed to.

MOTIONS AND RESOLUTIONS.

Senate Concurrent Resolution No. 3, introduced by Donlan.

BE IT RESOLVED, by the Senate, the House concurring, that after the expiration of the forty-fifth day of the Tenth Legislative Assembly, that no bills of any kind or character be permitted to be introduced in either the Senate or House, without the unanimous consent of each the Senate and the House first given;

PROVIDED, However, That this shall not apply to appropriation bills, introduced by the Appropriation Committee of the House or the Finance Committee of the Senate, the said respective Committees, however, are instructed and requested to use all possible diligence to the end that all bills appropriating money shall be introduced before the expiration of the forty-fifth day of this session.

Senate Concurrent Resolution No. 3, referred to Judiciary Committee.

REPORT OF STANDING COMMITTEE.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 21, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 39 and 62 have been correctly printed.

On motion of Miller of Park, House Bill No. 12 was withdrawn from the Committee on State Boards and Officers, and referred to Judiciary Committee.

On motion by Bennet the House resolved itself into a Committee of the Whole for the consideration of House Bill No. 7, Substitute for House Bills Nos. 2 and 13, and House Bill No. 58.

Bennet in the chair.

House resumed.

Mr. Speaker in the chair.

Bennet, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 7, introduced by Boorman, reports same back to the House with the recommendation that it do pass as amended, as follows: Amend Subdivision 13, of Section 1, by adding after the word "highways" the words "provided the grounds of State Institutions shall be excepted."

Also having had under consideration Substitute for House Bills Nos. 2 and 13, introduced by Miller of Park, reports same back to House with the recommendation that it do pass as amended, as follows: Amend the said bill so as to make Section 7 read Section 8, and Section 8 read Section 7.

Also having had under consideration House Bill No. 58, introduced by

Miller of Park, reports same back to House with the recommendation that it do pass.

Report adopted.

On motion, the House adjourned at 4:41 to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

SIXTEENTH DAY

Tuesday, January 22, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Blake, Duncan, Potter, Powers, Selway and Warren. Powers excused. Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Monday, January 21, and believe same to be correct.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Morris, from the Committee on Apportionment and Representation, reported as follows:

January 22, 1907.

Mr. Speaker:

We, your Committee on Apportionment and Representation, having had under consideration House Bill No. 41 entitled "A bill for an Act entitled "An Act to provide for the apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assembly of Montana and to fix the number of members thereof," beg leave to report that we have had the said Bill under consideration and having carefully examined the same we now report favorably upon said bill and unanimously recommend that said Bill do pass."

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill No. 61 has been correctly printed.

House Bill No. 61 placed on General Orders.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 5, introduced by Miller of Park, being a bill for an Act

entitled "An Act authorizing the County Commissioners to vacate lots, streets and alleys in village plats when such village shall be abandoned and such lots, streets and alleys shall cease to be used for public purposes," beg leave to recommend that the bill do pass.

Report adopted.

Miller of Lewis and Clark, from Committee on Employees, reported as follows:

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

Your Committee on Employes would respectfully report that the Printing Committee has selected Miss Mamie Smith as clerk of such Committee. We have examined her qualifications, find her competent and recommend that she be appointed.

Report adopted.

NOTICES OF BILLS.

By Wendel. A bill for an Act entitled "An Act to amend Section 4870 of the Political Code of the State of Montana, as amended by House Bill No. 213, entitled "An Act to amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, and 4877, of the Political Code of the State of Montana, relating to taxation in Municipal Corporations," approved March 3, 1897.

By Shaw. A bill relating to traveling expenses of County Superintendents.

By Maxwell. A bill for an Act to provide that electors may vote in any precinct where their duties call them on election day.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Marshall, H. B. No. 84. A bill for an Act to amend Section 313 of the Political Code relating to the distribution of public reports.

By Wendel, H. B. No. 85. A bill for an Act entitled "An Act making appropriations for the maintenance of the Montana State Fair and for permanent improvements on the grounds thereof for the fiscal years ending November 30th, 1907, and November 30th, 1908.

By Wendel, H. B. No. 86. A bill for an Act entitled, "An Act authorizing the Board of Directors of the Montana State Fair to purchase the Grand Stand erected upon the State Fair Grounds, and appropriating money therefor.

By Logan, H. B. No. 87. A bill for an Act entitled An Act to provide for the incorporation, management and regulation of mutual companies for the insurance of the property of the members against loss or damage by fire or the elements.

By Macaulay, H. B. No. 88. A bill for an Act entitled "An Act providing for the registration of electors, in counties, cities and towns, and for penalties for the violation thereof."

By Miller of Park, H. B. No. 89. A bill for an Act entitled "An Act to amend Chapter VI, Title XIII, of the Penal Code of the State of Montana, relating to extortion by adding thereto, a section to be designated Section 924."

Miller of Park, reports same back to House with the recommendation that it do pass.

Report adopted.

On motion, the House adjourned at 4:41 to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

SIXTEENTH DAY

Tuesday, January 22, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Blake, Duncan, Potter, Powers, Selway and Warren. Powers excused. Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Monday, January 21, and believe same to be correct.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Morris, from the Committee on Apportionment and Representation, reported as follows:

January 22, 1907.

Mr. Speaker:

We, your Committee on Apportionment and Representation, having had under consideration House Bill No. 41 entitled "A bill for an Act entitled "An Act to provide for the apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assembly of Montana and to fix the number of members thereof," beg leave to report that we have had the said Bill under consideration and having carefully examined the same we now report favorably upon said bill and unanimously recommend that said Bill do pass."

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill No. 61 has been correctly printed.

House Bill No. 61 placed on General Orders.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 5, introduced by Miller of Park, being a bill for an Act

H. B. No. 88, read first and second times by title only, and referred to Committee on Privileges and Elections.

H. B. No. 89, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 90, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 91, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 92, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 93, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 94, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 95, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 96, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 97, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 98, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 99, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 100, read first and second times by title only, and referred to Judiciary Committee.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

Helena, Montana, Jan. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that notice of introduction of the following bills were given:

By Long. A bill relating to the selection of Indemnity School Lands and Lands guaranteed to all of the State Institutions of Learning and for Public Buildings in Montana.

By Truscott. A bill for an Act entitled "An Act to amend Section 1 of Chapter 29 of Session Laws of 1905, approved February 21st, 1905, entitled 'An Act to amend Sections 950, 953, Title VIII, Chapter III, Part IV, Division I, of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of live stock.'"

By Glidden. A bill for an Act entitled an Act to create the County of Daly, establish its boundaries, and provide for its organization and government.

By Rae. A bill entitled an Act to amend Section 4120 of the Political Code of Montana, defining the boundaries of Fergus County, Montana, so as to include the territory acquired by it under the provisions of an Act entitled "An Act providing for the extension of the northern boundary of Fergus County," approved March 14, 1889, and to readjust the southern

By Miller of Park, H. B. No. 90. A bill for an Act to repeal Section 1313, Part II, Title X, Chapter 3, of the Code of Civil Procedure of the State of Montana, and to provide for the recovery of the value of permanent improvements which have been placed upon Real Estate by persons in the possession thereof, and holding the same in good faith and under color of title.

By Committee on Appropriations, H. B. No. 91. A bill for an Act appropriating money for the payment of deficiency claim of John J. Quinn for expenses incurred.

By Committee on Appropriations, H. B. No. 92. A bill for an Act appropriating money for the payment of deficiency claims of certain persons for rewards.

By Committee on Appropriations, H. B. No. 93. A bill for an Act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building.

By Committee on Appropriations, H. B. No. 94. A bill for an Act appropriating money for the payment of deficiency claims for expense of Attorney General.

By Committee on Appropriations, H. B. No. 95. A bill for an Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the State Board of Horticulture.

By Whiteside, H. B. No. 96. A bill for an Act entitled "An Act to amend Sections one, two, three, four and five, of an Act of the Eighth Legislative Assembly, entitled, 'An Act to appoint the Entomologist of the Experiment Station, State Entomologist and appropriate money to pay his traveling expenses.'"

By Weed, H. B. No. 97. A bill for an Act to amend Section 1355 of Chapter I, Part II, of the Criminal Code of Montana, relating to the rights of the defendant in criminal actions.

By Hyndman, H. B. No. 98. A bill for an Act to regulate the sale, use and redemption of transportation tickets of common carriers, providing penalties for the violation thereof, and repealing Section 982 of Chapter IV, Title VIII, Part IV, of Division I, of the Civil Code of Montana.

By Cato, H. B. No. 99. A bill for an Act amending Section 3671 of the Political Code of the State of Montana, relating to property liable to taxation.

By Brownlee, H. B. No. 100. A bill for an Act to amend Sections 1675 and 2460 of the Penal Code of Montana, relating to the issuing of subpoenas by magistrates in criminal actions in Justice Courts.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 84, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 85, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 86, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 87, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 88, read first and second times by title only, and referred to Committee on Privileges and Elections.

H. B. No. 89, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 90, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 91, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 92, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 93, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 94, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 95, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 96, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 97, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 98, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 99, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 100, read first and second times by title only, and referred to Judiciary Committee.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

Helena, Montana, Jan. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that notice of introduction of the following bills were given:

By Long. A bill relating to the selection of Indemnity School Lands and Lands guaranteed to all of the State Institutions of Learning and for Public Buildings in Montana.

By Truscott. A bill for an Act entitled "An Act to amend Section 1 of Chapter 29 of Session Laws of 1905, approved February 21st, 1905, entitled 'An Act to amend Sections 950, 953, Title VIII, Chapter III, Part IV, Division I, of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of live stock.'"

By Glidden. A bill for an Act entitled an Act to create the County of Daly, establish its boundaries, and provide for its organization and government.

By Rae. A bill entitled an Act to amend Section 4120 of the Political Code of Montana, defining the boundaries of Fergus County, Montana, so as to include the territory acquired by it under the provisions of an Act entitled "An Act providing for the extension of the northern boundary of Fergus County," approved March 14, 1889, and to readjust the southern

boundary to conform to the channel changes made and to be made in the Musselshell River.

By Rae. A bill entitled an Act to establish County Free High Schools and provide for their maintenance, approved March 3, 1899, and repealing "An Act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17 and 19, and to repeal Sections 21 and 22 of Substitute for House Bill No. 69, "An Act to establish County Free High Schools and to provide for their maintenance," approved March 14, 1901; also repealing Chapter LXIX of the Laws of 1903, entitled "An Act to amend Sections 2 and 3 of Senate Bill No. 37 as enacted by the Seventh Legislative Assembly of the State of Montana, relating to election of the trustees of the County Free High Schools," approved March 5, 1903, and to validate everything done under any of said Acts of March 3, 1899, March 14, 1901, and March 5, 1903.

By Long. A bill to amend Sections 3478 and 3490 of the Political Code of the State of Montana, as substituted and amended by House Bill No. 45, Session Laws 1899, approved March 1st, 1899, and to amend Section 3480 of the Political Code of the State of Montana as substituted and amended by House Bill No. 45, Session Laws 1899, approved March 1st, 1899, and as amended by Chapter XXVIII of the Session Laws of 1903, approved February 25, 1903, relating to the appraisal, sale and leasing of State land.

By Long, by request. A bill for an Act providing for the incorporation, management and regulation of mutual companies for the insurance of property of the members against loss or damage by fire or the elements.

By Donlan. A bill for an Act to amend Sections 3500 and 3501 of the Political Code as amended by an Act approved March 6, 1897, relating to timber and timber lands belonging to the State of Montana.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that a Memorial was received from the Billings Chamber of Commerce urging the passage of a Railway Commission law at the earliest possible moment.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that the following bills were introduced:

By Donlan, Senate Bill No. 21. A bill for an Act entitled "An Act to amend Section 552 of Article 14, of Chapter 3, of Title 1, of Part 3, of the Political Code of the State of Montana, relating to Inspector of Boilers.

Read first and second times and referred to Committee on Labor and Capital.

By Annin, Senate Bill No. 22. A Bill for an Act entitled An Act to enable Cities and Towns incorporated under the laws of this State to fix the rates and charges for the supply of water furnished by any individual, company or corporation to any such City or Town and the inhabitants thereof.

livestock running at large in the public lanes and highways," recommend that the same do not pass.

Report adopted.

House Bill No. 26 indefinitely postponed.

Also:

Mr. Speaker:

We, the Committee on Live Stock and Public Ranges, having under consideration House Bill No. 27, a bill for an Act entitled "An Act to provide for the designation of an estray paper, and to provide for the publishing of estray notices in the same," recommend that the same do not pass.

Report adopted.

Also:

Mr. Speaker:

We, the Committee on Live Stock and Public Ranges, having under consideration House Bill No. 31, a Bill for an Act entitled "An Act to protect the owners of horses, and to cause the inspection of the same," recommend the same do not pass.

Report adopted.

Also:

Mr. Speaker:

We, the Committee on Live Stock and Public Ranges, having under consideration House Bill No. 28, a bill for an Act entitled "An Act to amend Section 2045 of the Political Code, relating to butchers," recommend that the same do not pass.

Report adopted.

Also:

Mr. Speaker:

We, the Committee on Live Stock and Public Ranges, having under consideration House Bill No. 59, a bill for an Act entitled "An Act authorizing County Commissioners of each County to annually levy a special tax of six-tenths of one mill on the dollar upon the assessed value of all property in the County, to raise revenue for the special funds known as the "State Bounty Fund," "Sheep Inspection and Indemnity Fund," "Stock Inspector and Detective Fund," and "Stock Indemnity Fund," to provide for the apportionment of said special tax to said special funds, and for the control, use and disposition of said funds; and to repeal Sections 2990, 3016 and 3076 of the Political Code, together with all amendments to each of said Section, and to repeal Section 27 of Chapter 45 of the Laws of 1905," recommend that the same do pass.

Report adopted.

House Bill No. 59 referred to Printing Committee.

On motion of Wendel, the House took a recess at 11:45 until 2 P. M. to-day.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows.

Mr. Speaker:

REPORTS OF STANDING COMMITTEES.

Decker, from the Committee on Irrigation, reported as follows:

Mr. Speaker:

Your Committee on Irrigation, having had under consideration Substitute for House Bill No. 45, entitled: An Act to provide for the creation and organization of irrigation districts; to provide for the election of three directors in each district, defining the duties and powers of such directors and fixing their compensation; to authorize the issuance of bonds and fixing the duration, character and form of said bonds, and making said bonds a lien upon the particular lands for the irrigation of which said bonds are issued; providing for the assessment of lands in such irrigation districts for the payment of the principal and interest of said bonds and for the administration expenses of said irrigation districts and the maintenance of all irrigation works in such districts. To provide for the equalization of all district assessments by the directors of said districts; to provide for appeals from all decisions of the directors of irrigation districts. Making the County Treasurer in the Counties where such districts are organized the custodian of all funds and securities belonging to such districts. Providing for the sale of lands for delinquent assessments and the manner in which the same may be redeemed. To provide for the extension of such irrigation districts and the adjustment and payment of all differences between the old and new portion of such districts. To provide for the sale of water by any one district to any other district and fixing the manner and form of payment therefor and the manner in which differences between such districts shall be adjusted. Making and declaring the construction of all irrigation works to be a public use and granting right of way therefor over State lands, and exemption of all such irrigation works from taxation. To provide for the payment and transfer of money to or from the various funds of said district; to provide for the manner in which lands belonging to the State or to the United States may be included in such districts making the lessees or settlers of such lands liable for certain assessment and providing for the collection of such assessments and fixing the time wherein the water apportioned to such public land shall become appurtenant to the same," beg leave to report the same with the recommendation that it be passed.

On motion of Whiteside, report was considered read and adopted, and Substitute for House Bill No. 45 was referred to Printing Committee.

Bennet, from the Committee on Appropriations, reported as follows:

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bills numbered 91, 92, 93, 94, 95, beg leave to report as follows: We have had same under consideration and recommend that they be passed.

Report adopted.

House Bills Nos. 91, 92, 93, 94 and 95, referred to Printing Committee.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker:

We, the Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 20, a bill for an Act entitled "An Act to prevent

of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, O'Connor, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—65.

Noes.—None.

Absent and not voting.—Blake, Cummings, Duncan, Patten, Potter, Powers, Macaulay, Selway and Warren.—9.

Title amended by striking out the words "a penalty" after the word "provide" in line 2 of said title, and inserting in lieu thereof the following words, "penalties and civil liability."

On motion of Wendel, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 39, introduced by Wendel, reports same back to House with the recommendation that it be referred to Judiciary Committee.

Also having had under consideration House Bill No. 61, introduced by Committee on Appropriations, reports same back to House with the recommendation that it do pass.

Also having had under consideration House Bill No. 62, introduced by Committee on Appropriations, reports same back to House with the recommendation that the same do pass.

On motion of Miller of Lewis and Clark, report adopted.

NOTICES OF BILLS.

By Allen. A bill entitled, An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals under the provisions of Sections 3005 and 3006 of the Political Code.

Committee on Sanitary Affairs. A bill for an Act entitled "An Act appropriating money for the payment of the expenses of Dr. H. J. Ricketts, while investigating the cause and cure of spotted fever."

By Brownlee. A bill for an Act to amend Sections 2224 and 2241 of the Penal Code of Montana relating to judgments for costs or fines in criminal actions and to the issuance of executions to collect the same.

By Kirwan. A bill for an Act to prevent the use of four-wheel cabooses known as "Dinkeys;" to prevent the use of box cars as cabooses and to fix minimum size and manner of construction of cabooses that may be used on the railroads in the State of Montana.

By Walker. A bill for an Act entitled, "An Act providing for filing amended certificates of incorporation, and other certificates relating to corporations."

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

We, your Committee on Engrossment, beg leave to submit House Bill No. 7 correctly engrossed.

Also:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 58 correctly engrossed.

Also:

Mr. Speaker:

We, your Committee on Engrossment beg leave to submit Substitute for House Bills Nos. 2 and 13 correctly engrossed.

THIRD READING OF HOUSE BILLS.

House Bill No. 7, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cluston, Cutler, Decker, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—60.

Noes.—Burke, Cato, Fisher and Longstaff.—4.

Absent and not voting.—Blake, Cummings, Patten, Potter, Powers, Selway, Duncan, Warren and Whiteside.—9.

Title agreed to.

Substitute for House Bills Nos. 2 and 13 having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cluston, Cutler, Decker, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—60.

Noes.—Cato, O'Connor and Towers.—3.

Absent and not voting.—Blake, Brewster, Cummings, Duncan, Patten, Potter, Powers, Selway, Warren and Whiteside.—10.

Title agreed to.

House Bill No. 58, after being read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cato, Corby, Cluston, Cummings, Cutler, Cameron, Decker, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller

of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, O'Connor, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—65.

Noes.—None.

Absent and not voting.—Blake, Cummings, Duncan, Patten, Potter, Powers, Macaulay, Selway and Warren.—9.

Title amended by striking out the words "a penalty" after the word "provide" in line 2 of said title, and inserting in lieu thereof the following words, "penalties and civil liability."

On motion of Wendel, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 39, introduced by Wendel, reports same back to House with the recommendation that it be referred to Judiciary Committee.

Also having had under consideration House Bill No. 61, introduced by Committee on Appropriations, reports same back to House with the recommendation that it do pass.

Also having had under consideration House Bill No. 62, introduced by Committee on Appropriations, reports same back to House with the recommendation that the same do pass.

On motion of Miller of Lewis and Clark, report adopted.

NOTICES OF BILLS.

By Allen. A bill entitled, An Act appropriating money for the payment of the claims of certain persons against the State of Montana, for losses arising from the slaughtering of diseased animals under the provisions of Sections 3005 and 3006 of the Political Code.

Committee on Sanitary Affairs. A bill for an Act entitled "An Act appropriating money for the payment of the expenses of Dr. H. J. Ricketts, while investigating the cause and cure of spotted fever."

By Brownlee. A bill for an Act to amend Sections 2224 and 2241 of the Penal Code of Montana relating to judgments for costs or fines in criminal actions and to the issuance of executions to collect the same.

By Kirwan. A bill for an Act to prevent the use of four-wheel cabooses known as "Dinkeys;" to prevent the use of box cars as cabooses and to fix minimum size and manner of construction of cabooses that may be used on the railroads in the State of Montana.

By Walker. A bill for an Act entitled, "An Act providing for filing amended certificates of incorporation, and other certificates relating to corporations."

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Campbell, H. B. No. 101. A bill for an Act to establish a geological survey of Montana and to make appropriations therefor.

On motion of Shaw, the House adjourned at 2:45 to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

SEVENTEENTH DAY

Wednesday, January 23, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Powers and Selway, who were excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Tuesday, January 22, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

A petition was received from the Womens' Club of Butte, relative to the passage of a bill prohibiting the sale of liquor near cemeteries.

Referred to Committee on Affairs of Cities.

NOTICES OF BILLS.

By Bennet. A bill to appropriate money for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the appointment of a Commission to assist in the erection of such monument.

By Weed. A bill for an Act to amend Section 666, Title IV, Chapter I. of the Political Code, relating to the filing of annual statements of certain corporations.

By Patten. A bill for an Act providing for the apportionment between counties of taxes levied upon live stock run or herded upon the public ranges of more than one county and penalties for the violation thereof.

REPORTS OF STANDING COMMITTEES.

Seallon, from the Judiciary Committee, reported as follows:

Helena, Montana, January 23, 1907.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 15, introduced by Miller of Park, by request, being a bill for an Act to amend Section 260 of the Code of Civil Procedure, relating to the drawing of juries, and the time at which they are required to attend court, beg leave to report as follows:

We report the same back to the House with the recommendation that the same do pass.

On motion of Miller of Lewis and Clark, report adopted.

Also:

Helena, Montana, January 23, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 17, introduced by Wendel, being a bill for an Act entitled "An Act providing for the submission to the electors of the State of Montana for their approval or rejection of an amendment to Section 8, Article 13, of the Constitution of the State of Montana, relative to the indebtedness of cities," begs leave to report as follows:

We recommend that it do pass as amended by the Committee on Affairs of Cities.

On motion of Wendel, report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, January 17, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 63, 19, 21, 64, 50, 32 and 55, have been correctly printed.

Miller, from the Committee on Education, reported as follows:

January 22, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 83, beg leave to report that they have considered the same and report the same back to the House, with the recommendation that the same do pass.

Said Committee further reports that they have considered House Bill No. 24, referred to it, and report the same back to the House, with the recommendation that it do pass.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 61 correctly engrossed.

Also:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 62 correctly engrossed.

Miller of Lewis and Clark, from Committee on Employes, reported as follows:

Helena, Montana, January 22, 1907.

Mr. Speaker:

Your Committee on Employes would respectfully report that the chairmen of the Committees on Labor, Affairs of Cities and Apportionment and Representation have selected Miss Della Rollins as their clerk.

We have examined the qualifications of Miss Rollins and find her competent, and we recommend her appointment.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, January 23, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, to which was referred House

Bill No. 33, introduced by Manchester, being a bill entitled "A bill for an Act relating to number of deputies allowed County Auditors in Counties of the First Class, fixing compensation of same," beg leave to recommend that Bill No. 33 be referred to Committee on Townships and Counties."

Report adopted.

House Bill No. 33 referred to Committee on Townships and Counties.

On motion of Miller of Park, House Bill No. 19 was re-referred to Committee on Appropriations.

INTRODUCTION OF BILLS.

By Committee on Sanitary Affairs, H. B. No. 102. A bill for an Act entitled "An Act appropriating money for the payment of the expenses of Dr. H. J. Ricketts, while investigating the cause and cure of spotted fever.

By Brownlee, H. B. No. 103. A bill for an Act to amend Sections 2224 and 2241 of the Penal Code of Montana relating to judgments for costs or fines in criminal actions, and to the issuance of executions to collect the same.

By Wendel, H. B. No. 104. A bill for an Act to amend Section 4876 of the Political Code of the State of Montana, as amended by House bill No. 213, entitled "An Act to amend Sections 4867, 4868, 4869, 4870, 4971, 4872, 4873, 4874, 4875, 4876, and 4877 of the Political Code of the State of Montana, relating to taxation in municipal corporations," approved March 3, 1897.

By Gray, H. B. No. 105. A bill for an Act entitled, "An Act to repeal Sections 4072, 4073, 4080, and 4082, of Article II, Chapter XIII, Political Code of Montana, and Section 4075 and 4079 of Article II, Chapter XIII, Political Code of Montana, as amended by House Bill No. 162, approved March 6, 1897, and Section 4064 of Article II, Chapter XIII, Political Code of Montana, as amended by House Bill No. 80, approved March 4, 1901, relating to licenses."

By Morris, H. B. No. 106. A bill for an Act to prevent the adulteration or dilution of articles of food, drink, drug, medicine, strong, spirituous or malt liquor, or wine, or any article useful in compounding either of them and to prevent the sale, keeping for sale, or offering for sale thereof; and to repeal Sections 682 and 683 of the Penal Code.

By Walker, H. B. No. 107. A bill for an Act entitled "An Act providing for filing amended certificates of incorporation, and other certificates relating to corporations."

By Whiteside, H. B. No. 108. A bill for an Act entitled "An Act to limit the hours of labor of telegraph operators, trick despatchers, express messengers, baggage men, and fixing the penalties for violation of this act; exempting co-employees from assuming liability by reason of working with fellow employees who may be employed in violation of this act, and making all persons, corporations or companies, violating this act liable for all damage resulting therefrom."

By Committee on Appropriations, H. B. No. 109. A bill for an Act appropriating money for the deficiency claims of certain persons, for supplies furnished account of Farmers' Institute.

By Committee on Appropriations, H. B. N. 110. A bill for an Act appro-

priating money for the payment of the claim of Board of Charities and Reform for expenses incurred.

By Committee on Appropriations, H. B. No. 111. A bill for an Act appropriating money for the payment of certain deficiency claims in connection with the Adjutant General's Office.

By Committee on Appropriations, H. B. No. 112. A bill for an Act appropriating money for the payment of certain deficiency claims in connection with the State Treasurer's office.

By Committee on Appropriations, H. B. No. 113. A bill for an Act appropriating money for the payment of deficiency claims of the Bureau of Child and Animal Protection for expenses incurred.

MOTIONS AND RESOLUTIONS.

Allen moved that the Sergeant-at-Arms be instructed to see that all bills are perforated for filing before placing on desks. Motion carried.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 101, read first and second times in full, and referred to Committee on State Institutions and Public Buildings.

H. B. No. 102, read first and second times in full, and referred to Judiciary Committee.

H. B. No. 103, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 104, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 105, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 106, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 107, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 108, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 109, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 110, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 111, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 112, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 113, read first and second times in full, and referred to Committee on Appropriations.

By Marshall. A bill for an Act entitled, "An Act regarding pool rooms, pool selling, and registering of bets, and to punish the keeping of pool rooms, bookmaking and pool selling, and recording of bets by unlicensed persons; to provide for the issuance of licenses therefor, and to dispose of the funds arising from such licenses; and to provide civil and criminal liabilities and

penalties for the violation of its provisions and civil actions for the recovery of money lost on any pool or bet sold or registered contrary to this Act, and repealing and prohibiting ordinances on the subjects and repealing Acts in conflict herewith."

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate

Jan. 22, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that the following bills were introduced.

House Bill No. 6. Read first and second times and referred to Committee on Judiciary.

House Bill No. 14. Read first and second times and referred to Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that Senate Bill No. 4 was today read third time and passed and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

REPORTS OF STANDING COMMITTEES.

Bennet, from the Committee on Appropriations, reported as follows:

Helena, Montana, January 23, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bills numbered 109, 110, 111, 112, 113, beg leave to report as follows: That we have had same under consideration and recommend that they be passed.

Report adopted.

READING OF SENATE BILLS.

Senate Bill No. 4, read first time and referred to Committee on Townships and Counties.

THIRD READING OF HOUSE BILLS.

House Bill No. 61, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Blake, Brewster, Brownlee, Burke, Cato, Corby, Cluston, Cummings, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Root, Seidler, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Boorman, Campbell, Cameron, Cutler, Decker, Duncan, Hess, Kirwan, Longstaff, O'Connor, Patten, Potter, Powers, Ross, Scallon, Selway and Sherman.—17.

Title agreed to.

House Bill No. 62, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Cameron, Cato, Corby, Cluston, Decker, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Patten, Root, Ross Seidler, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Bennet of Madison, Boorman, Campbell, Cummings, Cutler, Duncan, Hess, Macaulay, O'Connor, Potter, Powers, Scallon, Selway, Sherman and Warren.—15.

Title agreed to.

Motion by Allen, that when the House adjourn, it adjourn until 10 A. M. tomorrow. Motion carried.

On motion by Blake, the House took a recess at 11:40 until 2 P. M.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the chair.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 21, introduced by McManus, reports same back to House with the recommendation that it be re-referred to the Committee on Mines and Mining.

Also having had under consideration House Bill No. 32, introduced by Brewster, reports same back to House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 50, introduced by Manchester, reports same back to House with the recommendation that it be re-referred to Committee on Affairs of Cities."

Report adopted.

House Bill No. 32 was amended as follows: In Section 1, line 1, strike out the words "from and after the passage of this Act." In Section 3, line 44, strike out the words "Chicago, St. Paul or Omaha," and insert in lieu thereof the words "any point where the State Board of Stock Commissioners maintain a stock inspector." Add to the said bill a Section to

be numbered Section 4, as follows: "All Acts or parts of Acts in conflict with this Act are hereby repealed."

Also add to the said Bill a Section to be numbered Section 5, as follows: "This Act shall be in force and effect after its passage and approval."

NOTICE OF BILLS.

By Macaulay. A bill for an Act entitled, "An Act providing for the licensing of peddlers, defining who are peddlers, and providing for penalties for violation of the provisions of this Act."

By Leighton, by request. A bill for an Act to amend Section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners, providing for the revocation of such certificates, and prescribing the procedure on appeal from the action of the State Board of Medical Examiners.

By Cluston. A bill for an Act entitled "An Act providing for submitting to the qualified electors of the State of Montana, an amendment to Section XI, Article 9, of the Constitution of the State of Montana, authorizing the Legislative Assembly of the State of Montana to prescribe additional qualifications for County Superintendents of Schools and for the State Superintendent of Public Instruction."

On motion of Miller of Lewis and Clark, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Ross in the chair.

House resumed.

Mr. Speaker in the chair.

Ross, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 55, introduced by Committee on Appropriations, reports same back to House with the recommendation that it do pass.

Also having had under consideration House Bill No. 63, introduced by Committee on Appropriations, reports same back to House with the recommendation that it do pass.

Also having had under consideration House Bill No. 64, introduced by Committee on Appropriations, reports same back to House with the recommendation that the same do pass.

Report adopted.

House Bills Nos. 55, 63 and 64 referred to Committee on Engrossment.

On motion of Allen, the House adjourned at 4 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

EIGHTEENTH DAY

Thursday, January 24, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Brownlee, Cato, Duncan, Longstaff, Potter, Root and Selway. Cato and Root excused. Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Wednesday, January 23, and believe same to be correct.

Report adopted.

NOTICE OF BILLS.

By Cameron. A bill for an Act creating herding districts for livestock, and providing a penalty for permitting livestock to run at large therein.

By Warren. A bill for an Act entitled "An Act to provide for the payment of the actual expenses of County Assessors incurred in the performance of official duty."

By Marshall. A bill for an Act to create a State Text Book Commission for the purpose of adopting and maintaining a uniform series of text books for the Public Schools of Montana; to regulate the price of same; define the duties and powers of the said Commission, appropriating a sum of money named therein for the expenses of said Commission.

By Miller of Lewis and Clark, by request. A bill for an Act appropriating money for the payment of deficiency claim of Secretary of the State Text Book Commission for expenses incurred.

By Beckwith. A bill or bills providing that not less than nine months of school shall be held in all districts of the first and second classes, providing the necessary funds therefor, and repealing all laws in conflict with this provision.

By Whiteside. A bill to provide a system of juvenile court practice in Montana.

By Marshall. A bill for an Act entitled "An Act prescribing the number of deputies to which County Assessors are entitled."

By Whiteside. A bill to authorize the construction of a State Fish Hatchery and to appropriate money therefor from the Game and Fish fund.

REPORTS OF STANDING COMMITTEES.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to whom was referred House Bill No. 98, a bill for an Act to regulate the sale, use and redemption of transportation tickets of common carriers, providing penalties for the violation thereof, and repealing Section 982 of Chapter IV, Title

VIII, Part IV, of Division I, of the Civil Code of Montana, respectfully reports that they have had the same under consideration, and recommend that the bill do pass.

Report adopted.

Also:

Your Committee on Railroads and Transportation, to whom was referred House Bill No. 1, entitled a bill for an Act entitled "An Act entitled 'An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act and penalties for the violation thereof,'" and House Bill No. 46, entitled, A bill for an Act entitled "An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties; providing for appointment of assistants, appropriating money for expenses, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof," very respectfully report that they have had the same under consideration, and in view of the great importance of these measures and the public interest manifested, and the further fact that it has been indicated to this Committee that a number of gentlemen desire to be heard with respect to the same, very respectfully reports that your Committee has arranged to hold a public meeting in the hall of the House at three o'clock this afternoon, or as soon thereafter as the sessions of the House will permit, and very respectfully ask that the House so time its sessions so as to accommodate this arrangement of the Committee.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, January 24, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 71 and 72 have been correctly printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Bennet, by request, H. B. No. 114. A bill for an Act entitled: "An Act to appropriate money for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the appointment of a Commission to assist in the erection of such monument."

By Corby, H. B. No. 115. A bill for an Act entitled, An Act for the better protection of employes, and for the preventing superintendents, foremen, assistants, bosses, or any other person from receiving or soliciting any sum of money or other valuable consideration, for, or on account of employing, or continuing to employ any person, or promising, or agreeing so to do, and providing penalties for violations of this Act."

By Kirwan, H. B. No. 116. A bill for an Act entitled An Act to prohibit the use of four wheel cabooses, known as, Dinkey Cabooses, on all railroad trains operated in the State of Montana; to prevent the use of box cars as cabooses, and to fix the minimum size and manner of con-

struction of all cars used as cabooses, and fixing the penalties for violation of this Act.

By Seidler, H. B. No. 117. A bill for an Act entitled, "An Act to amend Section 717, Part 1, Title X, Chapter XI, of the Penal Code of the State of Montana, as the same is now in force, as amended by an Act entitled, 'An Act to amend Section 717, Part 1, Title X, Chapter XI, of the Penal Code of the State of Montana, relating to the sale of intoxicating beverages on the line of any railroad grade, logging camp, saw mill, sheep shearing camp, irrigation ditch, or canal in course of construction, approved February 27, 1905.'"

By Patten, H. B. No. 118. A bill for an Act entitled "An Act providing for the apportionment between counties of taxes levied upon livestock run or herded upon the public ranges of more than one county, and penalties for the violation thereof."

By Cluston, H. B. No. 119. A bill for an Act entitled "An Act providing for submitting to the qualified electors of the State of Montana an amendment to Section 11, Article 9, of the Constitution of the State of Montana authorizing the Legislative Assembly of the State of Montana to prescribe additional qualifications for county superintendents of schools and for the State Superintendent of Public Instruction."

By Marshall, H. B. No. 120. A bill for an Act entitled An Act regarding pool rooms, pool selling and registering of bets, and to punish the keeping of pool rooms, bookmaking and pool selling, and recording of bets by unlicensed persons; to provide for the issuance of licenses therefor, and to dispose of the funds arising from such licenses; and to provide civil and criminal liabilities and penalties for the violation of its provisions and civil actions for the recovery of money lost on any pool or bet sold or registered contrary to this Act, and repealing and prohibiting ordinances on the subject and repealing Acts in conflict herewith."

By Weed, H. B. No. 121. A bill for an Act to amend Section 666, Title IV, Chapter I, Political Code, relating to the filing of annual statements by certain corporations.

NOTICES OF BILLS.

By Weed. A bill for an Act defining the Status of Persons soliciting Life Insurance.

By Weed. A bill for an Act to prohibit misrepresentations by Life Insurance Companies.

By Blake. A bill for an Act to provide for the payment of actual necessary expenses of Judges of the District Court when holding court in his District in any County not the County of residence of such Judge.

By Cameron. A bill for an Act to amend Section 1840 of the Political Code of Montana, relating to the qualifications of teachers.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 114, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 115, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 116, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 117, read first and second times by title only, and referred to Committee on Education.

H. B. No. 118, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 119, read first and second times by title only, and referred to Committee on Education.

H. B. No. 120, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 121, read first and second times by titles only, and referred to Committee on Insurance.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that a communication containing the notice of the following nomination and appointment was received from His Excellency, Governor Joseph K. Toole.

Joseph E. Farnum of Custer County, Montana, to be a member of the Board of Trustees of the State Reform School, to fill a vacancy caused by the resignation of W. A. Jordan.

The appointment was approved and confirmed.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that the following bills were introduced:

By Rae, Senate Bill No. 24. A bill for an Act to amend the Political Code of Montana, defining the boundaries of Fergus County, Montana, so as to include the territory acquired by it under the provisions of an Act entitled "An Act providing for the extension of the Northern boundary of Fergus County," approved March 14, 1899, and to readjust the Southern boundary to conform to channel changes made, and to be made, on the Musselshell River. Read first and second time and referred to Committee on Counties, Towns and Municipal Corporations.

By White, Senate Bill No. 25. A bill for an Act to amend Chapter 32 of the laws of 1903, relating to annual reports of corporations. Read first and second time and referred to Committee on Corporations Other than Municipal.

By Donlan, Senate Bill No. 26. A bill for an Act to amend Sections 3560 and 3561 of the Political Code, as amended by an Act approved March 6th, 1897, relating to timber and timber lands belonging to the State of Montana, and providing for the sale of timber and the appointment of a timber estimator. Read first and second time and referred to Committee on Public Lands.

By Long, Senate Bill No. 27. A bill for an Act entitled "An Act relating to the selection of indemnity school lands and lands granted to all of the

State Institutions of Learning and for Public Buildings in Montana." Read first and second time and referred to Committee on Public Lands.

By Rae. Senate Bill No. 28. A bill for an Act to establish County Free High Schools, and to provide for their maintenance, and repealing "An Act to establish County Free High Schools, and to provide for their maintenance," approved March 3, 1899, and repealing "An Act to amend Sections 2, 3, 4, 5, 8, 11, 12, 13, 14, 16, 17 and 19, and to repeal Sections 21 and 22 of Substitute for House Bill No. 69, "An Act to establish County Free High Schools and to provide for their maintenance," approved March 3, 1899, and to re-number certain sections of said Act, approved March 14, 1901; also repealing Chapter LXIX of the Laws of 1903, entitled "An Act to amend Sections 2 and 3 of Senate Bill No. 37 as enacted by the Seventh Legislative Assembly of the State of Montana, relating to the election of Trustees of the County Free High Schools," approved March 5, 1903, and to validate everything done under any of said Acts of March 3, 1899, March 14th, 1901, and March 5, 1903. Read first and second time and referred to Committee on Education.

By Truscott. A bill for an Act entitled "An Act to amend Section 1 of Chapter 29 of Session Laws of 1905, approved February 21st, 1905, entitled, 'An Act to amend Sections 950, 953, Title VIII, Chapter III, Part IV, Division I, of the Civil Code of the State of Montana, relating to liability of railway companies for the killing or injuring of live stock. Read first and second time and referred to Committee on Judiciary.

By Long, Senate Bill No. 30. Introduced by request. A bill for an Act entitled, "An Act to provide for the incorporation, management and regulation of mutual companies for the Insurance of the property of the members against loss or damage by fire or the elements. Read first and second time and referred to Committee on Corporations other than Municipal.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 22, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that notices of introduction of the following bills were received:

By McCone. A bill for an Act entitled "An Act to provide for the nomination of candidates by direct vote at a primary election, to provide the method of adopting such Act in any County or City, and to amend Sections 1206 of the Political Code as amended by the laws of 1899, and 1260 of the Political Code, approved March 6, 1905; and to make the provisions of the general registration and election laws of the State applicable to the Counties having adopted the above Act.

By Edwards. A bill for an Act entitled, "An Act to provide for the creation, establishment, organization, management and control of irrigation districts and authorizing the incurring of indebtedness, the issuance of bonds, making assessments, exercising the right of eminent domain and prescribing method of procedure."

By Donlan. A bill for an Act to amend Section 3478 and 3484 of the Political Code as enacted by House Bill No. 45, approved March 1st, 1899, and to amend Section 3480 of the Political Code as enacted by said House

Bill No. 45 and thereafter amended by Chapter 28 of the laws of 1903 relating to the appraisal, sale and leasing of State lands.

By McLean. A bill for an Act regarding gambling and to prohibit certain games, and the possession or use of certain implements and appliances, and the using or leasing of any premises for gambling purposes to provide for the enforcement of this Act, and to provide civil and criminal liabilities and penalties for the violations of its provisions and civil actions for the recovery of money lost at any of the games herein prohibited, and to repeal and prohibit City and Town Ordinances on the subject, and to repeal the Act approved March 15th, 1901.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, January 23, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Miles, a resolution that the Senate stand adjourned during the deliberations of the Convention of Representative Business Men, to be held at Helena, January 29, 1907, carried.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 23, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced:

House Bill No. 7, read first and second time and referred to Committee on Roads, Highways and Bridges.

House Bill 58, read first and second time and referred to Committee on Labor and Capital.

Substitute for House Bills No. 2 and 13, read first and second times and referred to Committee on Towns and Municipal Corporations.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 23, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of the following bills were given:

By Everett. A bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section Three, of Article Twelve of the Constitution relating to the taxation of mines and mining claims.

By Truscott. A bill for an Act entitled an Act providing for the inspection of any horses, cattle, sheep or other domestic animals driven or shipped into any county of this State for grazing or feeding purposes.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 23, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced:

By Long, Senate Bill No. 31. A bill for an Act entitled An Act to amend Sections 3478 and 3490 of the Political Code of the State of Montana,

as substituted and amended by House Bill No. 45, Session Laws, 1899, approved March 1st, 1899, and to amend Section 3480 of the Political Code of the State of Montana, as substituted and amended by House Bill No. 45, Session Laws 1899, approved March 1st, 1899, and as amended by Chapter XXVIII, of the Session Laws of 1903, approved Feby. 25. 1903, relating to the appraisal, sale and leasing State Lands. Read first and second time and referred to Committee on Public Lands.

By McCone, Senate Bill No. 32. A bill for an Act to repeal an Act entitled "An Act to provide for the nomination of candidates by direct vote at primary election, to provide a method to adopt such Act, in any County or City, and to amend Sections 1206 of the Political Code as amended by the the Laws of 1899, and 1200 of the Political Code," approved March 6th, 1905, and to make the provisions of the general registration and election laws of the State applicable to the Counties having adopted the above Act. Read first and second time and referred to Committee on Elections and Privileges.

By Donlan, Senate Bill No. 33. A bill for an Act to amend Sections 3478 and 3484 of the Political Code as enacted by House Bill No. 45, approved March 1st, 1899, and to amend Section 3480, of the Political Code, as enacted by said House Bill No. 45 and thereafter amended by Chapter XXVIII, of the Laws of 1903, relating to the appraisal, sale and leasing of State Lands. Read first and second time and referred to Committee on Public Lands.

By McLean, Senate Bill No. 34. A bill for an Act regarding gambling and to prohibit certain games, and the possession or use of certain implements and appliances and the using or leasing of any premises for gambling purposes, to provide for the enforcement of this act, and to provide civil and criminal liabilities and penalties for violations of its provisions, and civil actions for the recovery of money lost at any of the games herein prohibited, and to repeal and prohibit City and Town Ordinances on the subject and to repeal the Act approved March 15, 1901. Read first and second time and referred to Committee on Public Morals.

By Everett, Senate Bill No. 35. A Bill for an Act to amend Sections 1270, 1355, 1360, 1408, 1410, 1412, 1413, and 1414, of the Political Code of the State of Montana, and Sections 1354, 1361, of the same Code as amended by House Bill No. 59 of the Laws of 1901, approved March 7th, 1901, relating to ballots, voting and election returns, and providing further protection for the voter while preparing his ballot and casting the same. Read first and second time and referred to Committee on Elections and Privileges.

Respectfully,

H. K. HOWRY, Secretary.

On motion of Allen, the rules were suspended, and the House resolved itself into a Committee of the Whole for the consideration of House Bills Nos. 71 and 72.

Walker in the chair.

House resumed.

Mr. Speaker in the chair.

Walker, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 71, introduced by Committee on Appropriations, reports same back to House with the recommendation that it do pass.

Also having had under consideration House Bill No. 72, introduced by Committee on Appropriations, reports same back to House with the recommendation that it do pass.

Report adopted.

REPORT OF STANDING COMMITTEE.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 63 and 64 correctly engrossed.

THIRD READING OF HOUSE BILLS.

House Bill No. 63, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Maxwell, Miles, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Ross, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Boorman, Brownlee, Cato, Corby, Duncan, Longstaff, Marshall, Miller of Lewis and Clark, Potter, Powers, Root, Scallon, Selway, Swindlehurst and Whiteside.—15.

Title agreed to.

House Bill No. 64, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Cameron, Corby, Cluston, Cummings, Decker, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, McManus, O'Connor, Patten, Powers, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Brownlee, Campbell, Cato, Cutler, Duncan, Logan, Longstaff, Marshall, Moore, Macaulay, Potter, Root, Scallon, Selway, Tudor, and Whiteside.—16.

Title agreed to.

NOTICE OF BILL.

By Miller of Lewis and Clark. A bill for an Act extending general appropriation of 1906 to the end of February, 1907.

Mr. Speaker excused the following members of the House until Monday, January 28th: Allen, Bennetts of Silver Bow, Brownlee, Cameron, Miller of Park, Thompson of Fergus, Weed, Campbell, Macaulay, Corby, Hyndman, Ross, Moore, Gray, Cutler, Bennet of Madison and Miles.

On motion of Miller of Lewis and Clark, the House adjourned at 11:30 to meet tomorrow at 10:30 A. M.

NATHAN GODFREY, Chief Clerk.

E. W. KING, Speaker.

NINETEENTH DAY

Friday, January 25, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Bennetts of Silver Bow, Brownlee, Campbell, Cato, Cluston, Cutler, Duncan, Harden, Hess, Manchester, Miles, Morris, Macaulay, Potter, Selway, Walker, Weed. Bennetts, Brownlee, Campbell, Cutler, Hess, Manchester, Miles, Macaulay, Walker and Weed excused. Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Thursday, January 24, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

A communication was received from the Billings Club, extending an invitation to the members of the House to attend a smoker to be held January 26, 1907.

A memorial was received from the Billings Chamber of Commerce, relating to the passage of a railroad commission bill. Referred to Committee on Railroads and Transportation.

NOTICES OF BILLS.

By Scallon. A bill for an Act providing regulations for saloons, and prohibiting wine rooms in or in connection with saloons, prohibiting the frequenting of wine rooms by females, or the admission to wine rooms, and prohibiting females being in saloons for the purpose of being supplied with liquor, and prohibiting certain signs in connection with saloons and providing for the enforcement of this Act and penalties for its violation.

By Allen. A bill for an Act entitled, An Act to amend Section 1873 of the Code of Civil Procedure of the State of Montana, relating to the fees of Justices of the Peace on executions.

By Allen. A bill for an Act entitled An Act to amend Section 4642 of the Political Code of Montana, relating to the fees allowed Justices of the Peace in criminal cases.

By Barbour. A bill for an Act entitled, "An Act to establish a State Board of Health, Subordinate County, City, and Town Boards of Health, defining the powers and duties of each, providing for the compensation of the officers and members of each, providing for the enforcement of the rules and regulations and laws relating to said Boards, and to repeal an Act entitled "An Act creating a State Board of Health, defining its powers and duties and providing for the enforcement of the rules and regulations of said Board," approved March 15, 1901.

By Barbour. A bill for an Act entitled an Act to establish a State Bureau of Vital Statistics, placing the same under the supervision of the State Board of Health, and describing the duties of the Secretary of the

State Board of Health and the duties of the subordinate officers of the State Board of Health relative thereto, and fully providing for the registration of births and deaths and other statistical matter relative to sanitary affairs and providing for sub-registers, and providing for the pay therefor.

By Shaw. A bill defining "Warehousemen," and relating to warehouse receipts.

By Seidler. A bill for an Act to amend Section 1742 of the Political Code of Montana, relating to County Superintendents and their necessary traveling expenses when visiting schools, said section being now in force as amended by Act of the Seventh Legislative Assembly, and approved March 14, 1901. The foregoing Section being contained in Part III, Title III, Chapter VI, Article II, of the Political Code of Montana.

By Weed. A bill for an Act regulating Life Insurance Companies and prohibiting the diversion of funds for political purposes.

By Weed. A bill for an Act to prohibit discrimination by Life Insurance companies, and to provide penalties for violation thereof.

By Miller of Park. A bill for an Act entitled "An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions; and also to make whole the permanent funds of the various State Educational Institutions.

By Goff. A bill for an Act entitled, An Act to amend Section 2942 of the Political Code, relating to the publication of marks and brands, to provide for the auditing of the books of the Stock Association, and to provide for the disposition of any interest accruing on the Estray Fund.

On motion of Bennet, House Bill No. 65 was withdrawn, being a duplicate of another bill.

REPORTS OF STANDING COMMITTEES.

Bennet, from the Committee on Appropriations, reported as follows:

Helena, Montana, January 24, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill numbered 49, begs leave to report as follows: That we have had under consideration the bill for an Act appropriating money for the purchase and erection of a bronze tablet to the memory of the late Captain James Williams and report same back to the House with the recommendation that it be passed.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills No. 32, 55, 71, 72, correctly engrossed.

Cameron, from the Committee on State Boards and Officers, reported as follows:

Helena, Montana, January 25, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, having had under con-

sideration House Bill No. 84, "A bill for an Act to amend Section 313 of the Political Code, relating to distribution of public reports, report the same back to the House with the recommendation that it do pass.

Report adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:
January 25, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration House Bill No. 104, introduced by Wendel, being a bill entitled "A Bill for an Act to amend Section 4870 of the Political Code of the State of Montana, as amended by House Bill No. 213, "entitled an Act to amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, and 4877, of the Political Code of the State of Montana, relating to taxation in municipal corporations," approved March 3, 1897," beg leave to recommend that the bill be amended by inserting on line six of Section 4870 between the words "taxes and at" the following words, to-wit: "Including unpaid road poll taxes." and we respectfully recommend the passage of the bill as amended.

Blake, from the Committee on Privileges and Elections, reported as follows:

Helena, Montana, January 25, 1907.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 23, introduced by Corby, a bill for an Act entitled an Act making effective the Initiative and Referendum provisions of Section 1, of Article V, as amended, of the Constitution of the State of Montana, and regulating elections thereunder, and providing penalties for violations of the provisions of this Act," beg leave to report a substitute measure and recommend that the same be referred to the Judiciary Committee.

Report adopted.

Substitute for House Bill No. 23 referred to Judiciary Committee.

Helena, Montana, January 24, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 24, 30, 17, 70 and 15 have been correctly printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Warren, H. B. No 122. A bill for an Act entitled "An Act to provide for the payment of the actual expenses of County Assessors incurred in the performance of official duty."

By Weed, H. B. No. 123. A bill for an Act defining the Status of persons soliciting life insurance.

By Marshall, H. B. No. 124. A bill for an Act entitled "An Act prescribing the number of deputies to which County Assessors are entitled."

By Maxwell, H. B. No. 125. A bill for an Act entitled, "An Act to provide that qualified electors of the State of Montana may vote in any precinct in this State where their duty call them on Election Day."

By Committee on Appropriations, H. B. No. 126. A bill for an Act appropriating money for the payment of certain deficiency claims account of State Game and Fish Warden.

By Miller of Lewis and Clark, H. B. No. 127. A bill for an Act making appropriations for the State Institutions of Montana for the three months ending February 28, 1907.

By Corby and Seidler, H. B. No. 128. A bill for an Act entitled an Act prohibiting the employment of children in certain occupations under the age of sixteen years; providing for the registration of the age of all children: the issuance of an age certificate and the disposition of the same; forbidding the employment of children in certain occupations without such certificate; providing for the enforcement of the provisions of this Act and providing penalties for the violation of the provisions thereof.

By Cameron, H. B. No. 129. A bill for an Act to amend Section 1840 of the Political Code of Montana, as amended by an Act approved March 5, 1903, relating to the qualifications of teachers.

By Miller of Lewis and Clark, H. B. No. 130. A bill for an Act making appropriations for the Executive and Judiciary Departments of the State Government for the three months ending February 28, 1907.

By Gray, H. B. No. 131. A bill for an Act entitled, "An Act requiring all mortgages, bonds for deeds, deeds of trust, contracts for the sale or purchase of property and assignments, to show the true name and residence of the parties thereto, and in case such parties are non-residents requiring certain affidavits to be made a part thereof, and fixing penalties for making false statements therein."

An affidavit of State Game Warden Scott was read.

MOTIONS AND RESOLUTIONS.

By Miller of Lewis and Clark: "I move that the affidavit of the Game Warden be referred to the State Board of Examiners, as the basis upon which they shall allow the bill for the cost of the publication of the report to that officer."

Motion carried.

By Allen. I move that the State Game Warden be commended for his able and instructive report issued by his department."

Motion defeated by the following vote:

Those voting for the motion were: Allen, Blake, Blewett, Brewster, Burke, English, Farmer, Fisher, Kirwan, Kroger, Logan, Longstaff, McDonald, McManus, O'Connor, Powers, Seidler, Sherman, Swindlehurst, Towers, White-side, Wilder and Wilham.—23.

Those voting against the motion were: Barbour, Beckwith, Bennet, Boorman, Cameron, Corby, Cummings, Decker, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Leighton, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Patten, Root, Ross, Scallion, Shaw, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Wendel, and Mr. Speaker.—34.

Motion by Marshall, that when the House adjourn, it adjourn until Monday, January 28th, at 2 P. M. Motion carried.

REPORT OF STANDING COMMITTEE.

Miller of Park, from the Committee on Education, reported as follows:
Helena, Montana, January 25, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill num-

bered 38, beg leave to report as follows: We recommend that Section 5 of said bill be amended by adding the following: "The price to be charged to purchasers of said map in the State of Montana shall not exceed \$2.50 per copy," and that said bill as amended do pass.

Report adopted.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 122, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 123, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 124, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 125, read first and second times by title only, and referred to Committee on Privileges and Elections.

H. B. No. 126, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 127, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 128, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 129, read first and second times by title only, and referred to Committee on Education.

H. B. No. 130, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 131, read first and second times by title only, and referred to Judiciary Committee.

On motion of Marshall, the House adjourned at 12:20 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

TWENTY-SECOND DAY

Monday, January 28, 1907.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Campbell, Cato, Harbordt, Miles, and Towers.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Friday, January 26, 1907, and believe same to be correct.

Report adopted.

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to the time within which wild geese, wild ducks, brant and swan may not be shot or killed."

By Duncan. A bill for an Act to add a new Section to the Code of Civil Procedure of Montana, to be known as Section 644, and to provide for the time within which summons and other process and orders must be filed after service.

By Marshall. A bill for an Act entitled "An Act appropriating money for the erection and completion of a library building at the University of Montana, at Missoula, Montana, for enlarging the heating plant at said University, and extending and completing the cement walks on the grounds thereof."

By Marshall. A bill for an Act entitled "An Act concerning the redemption and payment of county, school district, state and other bonds held by the State."

By Marshall. A bill for an Act amending Section 3162 of the Code of Civil Procedure as the same was amended by an Act of the Fifth Legislative Assembly of the State of Montana, approved February 19, 1897.

By Griffin. A bill for an Act regarding gambling and to prohibit certain games, and the possession or use of certain implements and appliances and the using or leasing of any premises for gambling purposes, to provide for the enforcement of this Act, and to provide civil and criminal liabilities and penalties for violations of its provisions and civil actions for the recovery of money lost at any of the games herein prohibited, and to repeal and prohibit city and town ordinances on the subject, and to repeal the Act approved March 15th, 1901, entitled "An Act to prohibit gambling within the State of Montana, to provide penalties for violations of this Act, and repealing an Act of the Fifth Regular Session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled an Act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this Act," and conflicting acts.

REPORTS OF STANDING COMMITTEES.

Bennet, from the Committee on Appropriations, reported as follows:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill numbered 126, beg leave to report as follows: That we have had same under consideration and recommend that it do pass.

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bills numbered 127 and 130, beg leave to report as follows: That we have had same under consideration and recommend that same be passed.

Report adopted.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 107, being a bill for an Act entitled "An Act providing for filing amended certificates of incorporation, and other certificates relating to corporations," beg leave to report that we recommend that the said bill do pass.

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 103, being "A bill for an Act to amend Sections 2224 and 2241 of the Penal Code of Montana, relating to judgments for costs or fines in criminal actions and to the issuance of executions to collect the same," beg leave to report as follows: We recommend the indefinite postponement of the said bill.

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 99, being a bill for an Act amending Section 3671 of the Political Code of the State of Montana, relating to property liable to taxation, beg leave to report as follows: We recommend that the said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 97, being "A bill for an Act to amend Section 1355 of Chapter I, Part II, of the Criminal Code of Montana, relating to the rights of the defendant in criminal actions," beg leave to report that we recommend that the said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 79, being a bill for an Act entitled "An Act to amend Sections 1990 and 3280 of the Political Code, relating to Arbor Day," beg leave to report that we recommend that the said bill do pass."

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 73, being a bill for an Act entitled, "A bill for an Act, entitled An

Act to provide for the filing of transcripts of judgments from the Circuit and District Courts of the United States, Ninth Circuit, District of Montana, with the District Court Clerk of any County in this State, and when so filed such judgment to become a lien upon all real property of the judgment debtor, not exempt from execution in such county, owned by him at the time," beg leave to recommend that the same do pass when amended as follows: By striking therefrom the words in the title "owned by him at the time."

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 89, being a bill for an Act entitled "An Act to amend Chapter VI, Title XIII of the Penal Code of the State of Montana, relating to extortion, by addition thereto a Section to be designated as Section 924," beg leave to report that we recommend that the said bill do pass when amended as indicated herein, to-wit: Add to the title the following words: "So as to prevent the denial of indebtedness for labor or wilful refusal to pay such indebtedness, with intent to secure a discount from the laborer." Also strike out lines 5, 6, 7, 8, 9 and 10, of Section 1, of said bill, and in lieu thereof insert the following:

"Section 924. Every person, company or corporation, indebted to another person for labor, or any agent of any person, co-partnership, or corporation so indebted, who shall, with intent to secure from such other person a discount upon the payment of such indebtedness, wilfully refuse to pay the same, or falsely deny the same, or the amount or validity thereof, or that the same is due, is guilty of a misdemeanor; provided, however, that nothing herein contained shall prohibit any employer from fixing regular pay days for the payment of wages or salary earned in the calendar month immediately preceding such pay days, except in cases where the employee is discharged, or quits the employment, or the employment otherwise comes to an end."

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

"We, your Committee on Judiciary, having under consideration House Bill No. 48, being a bill for an Act entitled "An Act giving to lessors of farm lands a lien upon the crops grown upon the leased premises for the rent of such premises," beg leave to report that we recommend that the said bill do pass."

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

Your Committee on Judiciary, having under consideration House Bill No. 36, a bill for an Act entitled an Act to amend Section 2441 of the Penal

Code, relating to witnesses in criminal actions, begs leave to report that we recommend that the said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 100, being "A bill for an Act to amend Sections 1675 and 2460 of the Penal Code of Montana, relating to the issuance of subpoenas by magistrates in criminal actions in Justice Courts," beg leave to report that we recommend that the said bill be indefinitely postponed.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 45, 100, 111, 98, 113, 110 and 112 have been correctly printed.

House Bills 45, 100, 111, 98, 113, 110 and 112 were placed on General Orders.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, Jan. 26, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 22, introduced by McDonald, being a bill for an Act entitled, "An Act to create a disability fund in cities and towns of the State of Montana where there is an established paid fire department, for the benefit of firemen disabled in the line of duty; authorizing cities and towns to levy an annual tax for the maintenance thereof; providing for the organization, government and control thereof, and providing penalties for any violation thereof; and to repeal Sections 8 and 9 of House Bill No. 17 of the Session Laws of 1899 of Montana, entitled, "An Act to provide for the organization, government and control of a fire department for cities and towns, regulating appointments thereto, and providing for the creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds thereon;" approved March 7th, 1899; and to repeal Chapter CXIII of the Session Laws of 1903 of Montana, relating to the payment of taxes received from fire insurance companies, corporations and associations doing business in the State of Montana, to the maintenance of fire departments, approved March 7th, 1903," which has been referred to this Committee, beg leave to recommend that said bill be amended as follows, to-wit: Amend title by striking out on lines 2 and 3 the words "where there is an established" and insert in lieu thereof the words "having a." Strike out on line 5 the word "thereof" and insert in lieu thereof the words "of such fund."

Amend Section 1 by inserting between the words "is" and "an" on line 2 the words "now or hereafter may be."

Amend Section 5 by adding thereto the following, to-wit: "The city or town council may provide for the investment of all or any part of said fund in bonds of the United States, or of the State of Montana, or of the

particular city or town in which such fund exists and for the sale of such bonds when desirable. All such bonds shall be deemed part of the city treasury and the treasurer shall be responsible therefor in the same manner as for the moneys of the fund."

Amend Section 6 by inserting between the words "shall" and "the" on line 4, the words "this act render," and by striking out the word "be" on said line 4, also by striking out on lines 4 and 5 the following: "or in any wise assume liability thereon," further amend Section 6 by striking out on lines 8 and 9 the following: "as a majority of the trustees shall recommend and the council allow," and by inserting in lieu thereof the following: "as may be allowed under the provisions of Section 7 of this Act."

Amend Section 7 by inserting between figure seven (7) and the word "Whenever" on line one the following: "Benefits shall only be allowed on the recommendation of the board of trustees, or the majority thereof, approved by the city or town council," and by striking out on lines 12, 13 and 14 of said Section seven (7) the following: "it shall be discretionary with the board of trustees as to the extent of the benefit to be given to the said member or his heirs," and by inserting in lieu thereof the following: "The board of trustees may, subject to the approval of the council in each instance, make a suitable allowance to the said member or his heirs. It shall be the duty of the city or town council to provide by ordinance a scale of maximum allowances before any benefit can be allowed, and the same shall not be exceeded by the board."

We further beg to respectfully recommend that as amended the bill do pass.

Report adopted.

Also:

Helena, Montana, Jan. 25, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, has had under consideration House Bill No. 82, introduced by Morris, entitled "A bill for an Act to amend Sections 2505 and 2506 of the Civil Code of the State of Montana, relating to inn-keepers, which has been referred to this Committee, and beg leave to report that said bill be amended as follows, to-wit:

Amend Section 2 as follows: After the words "Section 2506" in line 4 of Section 2, insert the following: "It shall be the duty of the fire marshal, or the chief officer of the fire department of every city and town in this State in the months of July and January of each and every year, and at such other times as the said officer may deem necessary, to inspect, or cause to be inspected by some person to be deputized by him for that purpose, every guest's room of every hotel or inn in the city or town in which he is performing the duties of such officer, and ascertain whether the provisions of Section 2505 of this Code have been complied with."

Strike out the word "respectively" in the ninth line of said Section 2 and insert in lieu thereof the following words: "and situated outside the corporate limits of any city or town."

Strike out the words "this act" in the tenth line of said Section 2 and insert in lieu thereof the words "of the Civil Code of the State of Montana."

Amend said Section 2 by inserting after the word "sheriff," in the 19th line of said Section the words "and of every other officer."

Strike out the words "this act" in line 31 of said Section 2, and insert in lieu thereof the words "the Civil Code of the State of Montana."

We further recommend that with said amendments the bill do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Weed, H. B. No. 132. A bill for an Act to prohibit misrepresentations by life insurance companies.

By Committee on Appropriations, H. B. No. 133. A bill providing for the payment of deficiency claims in certain State Offices.

By Shaw, H. B. No. 134. A bill for an Act to allow traveling expenses of County Superintendents of Schools.

By Shaw, H. B. No. 135. A bill for an Act defining warehousemen and warehouse receipts, prohibiting the issuance and sale or negotiation of duplicate, substitute, pretended, or non-negotiable warehouse receipts and prescribing the punishment for violations thereof.

By Miller of Lewis and Clark, H. B. No. 136. A bill for an Act requiring all railroad companies operating in the State of Montana to keep a watchman at the grade crossings of all generally traveled streets over which trains pass or switching is done as often as once in three hours in towns or cities of not less than two thousand (2000) inhabitants, from six o'clock A. M. until 8 o'clock P. M., and providing penalties for failure so to do.

By Miller of Lewis and Clark, by request, H. B. No. 137. A bill for an Act appropriating money for the payment of deficiency claim of the Secretary of the State Text Book Commission for services performed in preparing the report of said Commission.

By Boorman, H. B. No. 138. A bill for an Act entitled "An Act requiring all saloons and places where liquors are sold under a liquor license issued under the laws of Montana to be and remain closed from and after twelve o'clock, midnight, until six o'clock the following morning.

By Duncan, H. B. No. 139. A bill for an Act entitled An Act to compel corporations, association or persons operating railways or railroads in the State to furnish cars and power to move shipments of property in car load lots, to provide for the recovery of penalties and damages for failure so to do, and to prevent discriminations against shippers in furnishing cars and power to move their property.

By Marshall, H. B. No. 140. A bill for an Act to create a State Text Book Commission for the purpose of adopting and maintaining a uniform series of text books for the public schools of Montana; to regulate the price of same; define the duties and powers of the said Commission, and appropriating a sum of money named therein for the expenses of said Commission.

By Seidler, H. B. No. 141. A Bill for an Act to amend Section 1742 of the Political Code of Montana, relating to County Superintendents, and their necessary traveling expenses when engaged in visiting schools, said Section being now in force as amended by Act of the Seventh Legislative Assembly,

and approved March 14, 1901, the foregoing section being contained in Part III, Title III, Chapter VI, Article II, of the Political Code of Montana.

By Macaulay, H. B. No. 142. A Bill for an Act entitled "An Act to provide for the compensation of State Officers."

By Whiteside, H. B. No. 143. A bill for an Act entitled, "An Act to create a commission to be known as The Montana State Fish Commission, naming the State Game Warden as a member of said Commission, and providing for the appointment of two other members of said Commission by the Governor; fixing the duties and compensation of said Commission, and authorizing them to locate, construct, and equip a State Fish Hatchery; to regulate the distribution of the product of said Hatchery, and to appropriate money from the Game and Fish fund, for all of said purposes."

By Goff, H. B. No. 144. A bill for an Act entitled: An Act to amend Section 2942 of the Political Code relating to the publication of marks and brands, to provide for the auditing of the books of the Stock Association, and to provide for the disposition of any interest accruing on the estray fund.

By Miller of Park, by request, H. B. No. 145. A bill for an Act entitled "An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions; and also to make whole the permanent funds of the various State Educational Institutions.

By Weed, H. B. No. 146. A bill for an Act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

By Miller of Park, H. B. No. 147. A bill for an Act entitled an Act to provide for the protection of Fish and Game in the State of Montana.

By Committee on Sanitary Affairs, H. B. No. 148. A bill for an Act entitled an Act to establish a State Bureau of Vital Statistics, placing the same under the supervision of the Secretary of the State Board of Health, and describing the duties of the Secretary of the State Board of Health and the duties of the subordinate officers of the State Board of Health relative thereto, and fully providing for the registration of births and deaths and other statistical matter relative to sanitary affairs and providing for sub-registrars and providing for the payment therefor.

By Weed, H. B. No. 149. A bill for an Act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

By Allen, H. B. No. 150. A bill for an Act entitled an Act to amend Sections 4642 and 4643 of the Political Code of the State of Montana, relating to the fees allowed by the Board of County Commissioners to Justices of the Peace in criminal cases and providing for a fee for the serving of summons.

By Scallon, H. B. No. 151. A bill for an Act providing regulations for saloons, and prohibiting wine rooms in or in connection with saloons, prohibiting the frequenting of wine rooms by females, or the admission of females to wine rooms, and prohibiting females being in saloons for the purpose of being supplied with liquor, and prohibiting certain signs in con-

nection with saloons, and providing for the enforcement of this act and penalties for its violation.

By Allen, H. B. No. 152. A bill for an Act entitled, "An Act to amend Section 1873 of the Code of Civil Procedure of the State of Montana, relating to the fees paid Justices of the Peace.

By Leighton, H. B. No. 153. A bill for an Act to amend Section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners, providing for the revocation of such certificates, and prescribing the procedure on appeal from the action of the State Board of Medical Examiners.

On motion of Whiteside, Weed was permitted to introduce three bills.

FIRST AND SECOND READING OF SENATE BILLS.

S. B. No. 6, read first and second times by title only, and referred to Judiciary Committee.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 132, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 133, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 134, read first and second times in full, and referred to Committee on Education.

H. B. No. 135, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 136, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 137, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 138, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 139, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 140, read first and second times in full, and referred to Committee on Education.

H. B. No. 141, read first and second times by title only, and referred to Committee on Education.

H. B. No. 142, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 143, read first and second times in full, and referred to Committee on Fish and Game.

H. B. No. 144, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 145, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 146, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 147, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 148, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 149, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 150, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 151, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 152, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 153, read first and second times by title only, and referred to Committee on Sanitary Affairs.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Executive Office, Helena, Mont., Jan. 25, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit, for the information of the House, the enclosed petition relating to the State Fish and Game Fund.

J. K. TOOLE, Governor.

Referred to Committee on Fish and Game.

Helena, Montana, Jan. 24, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced:

House Bill No. 61, read first and second times and referred to Committee on Finance and Claims.

House Bill No. 62, read first and second times and referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 24, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced and read first and second times:

By Glidden: Senate Bill No. 36. A Bill for an Act entitled An Act to create the County of Daly, designate its boundaries and provide for its organization and government. Referred to Committee on Counties, Towns and Municipal Corporations.

By Truscott, Senate Bill No. 37. A Bill for an Act entitled "An Act providing for the inspection of any horses, cattle, sheep or other domestic animals driven or shipped into any County of this State for grazing or feeding purposes. Referred to Committee on Stock Growing and Grazing.

By Miles, Senate Bill No. 38. A Bill for an Act to validate the official acts of Notaries Public within the State of Montana, which acts have been

NOTICES OF BILLS.

By Walker. A bill for an Act entitled "An Act to amend Section 4596 of the Political Code of the State of Montana relating to annual compensation allowed deputies or assistants to county officers."

By Walker. A bill for an Act entitled "An Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, as amended by an Act entitled: 'An Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana relating to the number of deputies allowed County Officers.'"

By Seidler. A bill for an Act entitled An Act to amend Article II, Chapter VI, Part III, Title III, of the Political Code, relating to the duties of the County Superintendent of Schools, adding a section to be known as Section 1745, regarding the school census and providing penalties for the violation of the provisions thereof.

By Miller of Park. A bill for an Act to amend Section 529 of the Penal Code of the State of Montana.

By Hyndman. A bill for an Act to amend Section 4658 of the Political Code, relating to witness fees of experts.

By Seidler. A bill for an Act entitled An Act to amend Paragraph 3 of Section 1830, Chapter VI, Article VI, Part III, of Title III, of the Political Code of the State of Montana, as amended by an Act of the Legislature approved March 14, 1901, relating to the taking of the school census.

By O'Connor. A bill for an Act to amend Section 66 of the Code of Civil Procedure of the State of Montana respecting the civil jurisdiction of Justices of the Peace.

By Weed. A bill for an Act to require an annual accounting of surplus of life insurance companies as to policies heretofore issued.

By Whiteside. A bill for an Act relating to delinquent children and those responsible therefor and fixing the penalties for violation of said Act.

By Whiteside. A bill to add two sections to Part III, Title VII, of the Code of Civil Procedure, relating to roads.

By Whiteside. A bill to authorize the executive board of the Montana Agricultural College to establish a sub-station for carrying on experiments in horticulture.

By Wendel. A bill entitled "A bill for an Act to amend 'An Act providing for the payment of the indebtedness and expenses hereafter incurred by cities, the indebtedness of which exceeds the limit provided in Section 6, Article XIII, of the Constitution of the State of Montana, and further providing for the levy and collection of taxes for such purpose,' approved February 24th, 1903."

By Duncan. A bill for an Act to amend Sections 3070 and 3071 of the Political Code of Montana, as amended by an Act approved March 6th, 1903, and again by an Act approved March 1st, 1905, relating to the bounties for the killing of certain wild animals.

By Duncan. A bill for an Act entitled "An Act to amend Section 7 of Chapter 52 of the Session Laws of 1905, approved March 1st, 1905, relating

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill numbered 133, providing for payment of deficiency claims, beg leave to report as follows: That we have had same under consideration and recommend that it be passed.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 15, introduced by Miller of Park by request, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 17, introduced by Wendel, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 24, introduced by Shaw, reports same back to the House with the recommendation that it do pass.

Report adopted.

On motion by Allen, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 30, 70 and 109.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 30, introduced by Brownlee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 70, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 109, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Report adopted.

On motion of Burke, the House adjourned at 4:50 P. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

TWENTY-THIRD DAY

Tuesday, January 29, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Campbell, Cato, Harbordt, Leighton, Longstaff, Miles, Morris, Selway, Towers and Weed. Campbell excused. Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Monday, January 28, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

An invitation from the Bozeman Commercial Club to the members of the House to attend the Club on the 2nd and 3rd of February, was read.

O'Connor asked unanimous consent to withdraw House Bills Nos. 3 and 4 from Committee on Sanitary Affairs. Consent given.

Four petitions, signed by various members of gun clubs and citizens of the State were received and read and referred to Committee on Fish and Game.

NOTICES OF BILLS.

By Blake: A Bill for an Act to amend Section 4648 of the Political Code of Montana, relating to the fees and mileage of witnesses.

By Cummings: A Bill for an Act approving bounty claims of Stockmen's National Bank of Fort Benton, Montana, and providing for payment thereof.

By McManus: A Bill for an Act for the prevention of mining frauds.

By Moore, by request: A Bill for an Act to amend Section 1752 of the Political Code, relating to boundaries of school districts.

By Moore: A Bill for an Act to amend Section 2391 of Chapter III, Article I, Part III, Title V, Political Code of Montana, to repeal Section 2390, relating to the Librarians and their salaries, and to add a certain new section to said Chapter III, to be designated as 2401, relating to assistant librarians.

By Miller of Park: A Bill for an Act entitled "An Act prescribing regulations for opening, operating, platting, general conduct and management of coal mines and mining, prescribing penalties and repealing Article I, Chapter XX, Part III, Title VII, (Section 3350 to 3365 inclusive) of the Political Code of Montana, relating to the regulations of coal mines."

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, January 28, 1907.

Mr. Speaker:

Your Committee on Printing beg leave to report that House Bills 5, 41, 59, 91, 92, 93, 94, 95, 84 and 83 have been correctly printed.

House Bills 5, 41, 50, 91, 92, 93, 94, 95, 84 and 83 were placed on General Orders.

Brownlee, from the Committee on Townships and Counties, reported as follows:

Helena, Montana, January 29th, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, having had under consideration House Bill No. 75, a Bill for an Act entitled "An Act to amend Sections 3860 and 3866 of the Political Code of the State of Montana as the same are now in force after amendment by an Act entitled "An Act to amend Section 3866 of Article II, Chapter VIII of the Political Code of Montana, relating to the collection of property taxes," approved March 7th, 1899, and also to amend Section 3867 of said Political Code, relating to the time the County Treasurer must attend at the office of the County Clerk with the duplicate assessment book to be there compared with the original and to amend an Act entitled "An Act to amend Section 3873 of the Political Code of the State of Montana, relating to the publication of delinquent taxes, and to make the same more explicit," approved February 28th, 1901, and to provide a different time for the payment of property taxes," beg leave to report the same back to the House with the recommendation that it be indefinitely postponed."

Report adopted.

Also:

January 23, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 52, A bill for an Act entitled "An Act to create the County of Sanders, designate its boundaries, and provide for its organization and government, approved February 7, 1905," having had the same under consideration, recommend that the same be amended as follows:

Section 2. That the County of Missoula shall reimburse the County of Sanders for all moneys paid and expended by the said County of Sanders for transcribing the records of Missoula County, relating to the lands in the territory taken from Sanders County, by this bill, and added to Missoula County, as soon after this act takes effect, or the same can be conveniently done.

The Board of Commissioners of the Counties of Missoula and Sanders shall meet at the City of Missoula, and adjust the sum so to be paid by the County of Missoula to the County of Sanders, and when ascertained the same shall be paid by warrant drawn by the Clerk of Missoula County on the Treasury of Missoula County, payable to the said County of Sanders.

Amend by numbering Section 2, Section 3, Section 4.

And recommend that the same as amended do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Appropriations, H. B. No. 154. A bill for an Act appropriating money for the payment of deficiency claims of certain persons for services rendered and material furnished the State Veterinarian.

By Macaulay, H. B. No. 155. A bill for an Act entitled: An Act to

TWENTY-THIRD DAY

Tuesday, January 29, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Campbell, Cato, Harbordt, Leighton, Longstaff, Miles, Morris, Selway, Towers and Weed. Campbell excused. Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Monday, January 28, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

An invitation from the Bozeman Commercial Club to the members of the House to attend the Club on the 2nd and 3rd of February, was read.

O'Connor asked unanimous consent to withdraw House Bills No. 3 and 4 from Committee on Sanitary Affairs. Consent given.

Four petitions, signed by various members of gun clubs and citizens of the State were received and read and referred to Committee on Fish and Game.

NOTICES OF BILLS.

By Blake: A Bill for an Act to amend Section 4648 of the Political Code of Montana, relating to the fees and mileage of witnesses.

By Cummings: A Bill for an Act approving bounty claims of Stockmen's National Bank of Fort Benton, Montana, and providing for payment thereof.

By McManus: A Bill for an Act for the prevention of mining frauds.

By Moore, by request: A Bill for an Act to amend Section 1752 of the Political Code, relating to boundaries of school districts.

By Moore: A Bill for an Act to amend Section 2391 of Chapter III, Article I, Part III, Title V, Political Code of Montana, to repeal Section 2396, relating to the Librarians and their salaries, and to add a certain new section to said Chapter III, to be designated as 2401, relating to assistant librarians.

By Miller of Park: A Bill for an Act entitled "An Act prescribing regulations for opening, operating, platting, general conduct and management of coal mines and mining; prescribing penalties and repealing Article I, Chapter XX, Part III, Title VII, (Section 3350 to 3365 inclusive) of the Political Code of Montana, relating to the regulations of coal."

REPORTS OF STANDING COMMITTEES

Shaw, from the Committee on Printing

Helen

Mr. Speaker:

Your Committee on Printing

41, 59, 91, 92, 93, 94, 95, 84 and 87

House Bill No. 10, 1901, to amend the
Orders.

Whereas the Committee on Finance and
follows:

Mr. Speaker:

Your Committee on Finance and
aiders: James H. McMillan, Jr., and
Sections 200 and 201 of the Finance
are now in force after amendments
Section 200 of Article II, Chapter II, of the
lating to the collection of property taxes
to amend Section 200 of said Article II,
Treasurer must attend at the office of the
assessment board to be there present and
enrolled "An Act to amend Section 200 of
Municipal, relating to the collection of
same more explicit," approved January 20,
time for the payment of property taxes
to the House with the amendments
Report adopted.
Aye.

Mr. Speaker:

Your Committee on Finance and
Bill No. 22, A bill for an act to amend the
ders, designate the assessment and
ment, approved February 1, 1901,
transferred that the same be amended
Section 2. That the County of Lincoln
Sanders for all money paid and received
transferring the records of Lincoln County
taken from Sanders County to the County
as soon after this act takes effect as the
The Board of Commissioners of the County of
shall meet at the City of Lincoln, and shall
County of Lincoln in the County of Lincoln
shall be paid by a warrant drawn on the
County of Lincoln County, payable to the
land by purchasing Section 2 being 1
and returned that the same be amended
amended.

Approved: _____
J. A. A. 1901
J. A. A. 1901
J. A. A. 1901
J. A. A. 1901

regulate the licensing of Itinerant Vendors, and to fix the amount of such licenses.

By Walker, H. B. No. 156. A bill for an Act entitled "An Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana as amended by an Act entitled "An Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed County Officers," approved March 3, 1905, and as amended by an Act entitled "An Act relating to the number of deputies allowed County Auditors in Counties of the first class, and fixing the compensation of same," approved March 4, 1905, and as amended by an Act entitled "An Act relating to number of assistants allowed the Clerk of the District Court in Counties of the first class, and fixing the compensation allowed to said deputies and assistants in Counties of the first class," approved March 4, 1905, and as amended by an Act entitled "An Act fixing the maximum number of Deputy Sheriffs in Counties of the first class and the maximum annual compensation thereof," approved March 4, 1905, and as amended by an Act entitled "An Act relative to number of assistants allowed Treasurers in Counties of the first class, and fixing the compensation allowed to said Deputies and Assistants in Counties of the First Class," approved March 4, 1905, and to repeal an Act entitled "An Act to amend Sections 3 and 4, of an Act entitled "An Act concerning the compensation of County, District and Town Officers; approved March 6, 1891," approved March 2, 1895, and to repeal an Act entitled "An Act to amend an Act entitled "An Act concerning the compensation of County, District and Township Officers," approved March 9, 1893."

By Walker, H. B. No. 157. A bill for an Act entitled: "An Act to amend Section 4596 of the Political Code of the State of Montana, relating to the annual compensation allowed deputies or assistants to County Officers, as amended by an Act entitled: "An Act relating to the number of deputies allowed County Auditors in Counties of the first class, and fixing the compensation of same," approved March 4th, 1905, and as amended by an Act entitled: "An Act relating to number of Assistants allowed the Clerk of the District Court, in Counties of the First Class, and fixing the compensation allowed to said deputies and assistants in counties of the first class," approved March 4, 1905, and as amended by an Act entitled: "An Act fixing the maximum number of Deputy Sheriffs in Counties of the first class, and the maximum annual compensation thereof," approved March 4, 1905, and as amended by an Act entitled: "An Act relative to the number of assistants allowed Treasurers in Counties of the first class, and fixing the compensation allowed to said deputies and assistants in Counties of the first class," approved March 4, 1905; and to repeal an Act entitled: "An Act to amend Sections 3 and 4 of an Act entitled: "An Act concerning the compensation of County, District and Township Officers," approved March 6, 1891, approved March 2, 1893, and to repeal an Act entitled: "An Act to amend an Act entitled: "An Act concerning the compensation of County, District and Township Officers," approved March 9, 1893."

By Marshall, H. B. No. 158. A bill for an Act entitled "An Act appropriating money for the erection and completion of a Library building for the University of Montana at Missoula, Montana, for enlarging the heating plant

and connecting the same with the Library building, and for cement walks necessary to connect said Library with other buildings at said University Grounds, and with the street, and for certain improvements on University Grounds."

By Marshall, H. B. No. 159. A bill for an Act entitled an Act to amend Section 3162 of the Code of Civil Procedure as the same was amended by an Act of the Fifth Legislative Assembly of the State of Montana, approved February 19th, 1897, relating to witnesses.

By Wendel, H. B. No. 160. A bill for an Act to amend "An Act providing for the payment of the indebtedness and expense hereafter incurred by cities, the indebtedness of which exceeds the limit provided in Section 6, Article XIII, of the Constitution of the State of Montana, and further providing for the levy and collection of taxes for such purpose." approved February 24th, 1903.

By O'Connor, H. B. No. 161. A bill for an Act to amend Section 66 of the Code of Civil Procedure of the State of Montana respecting the civil jurisdiction of Justices of the Peace.

By Allen, H. B. No. 162. A bill for an Act entitled, An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals, under provisions of Sections 3005, and 3006, of the Political Code of the State of Montana.

By Hyndman, H. B. No. 163. A bill for an Act entitled "An Act to amend Section 4658 of the Political Code of Montana, relating to witness fees of experts."

By Miller of Park, H. B. No. 164. A bill for an Act to amend Section 529 of the Penal Code of the State of Montana.

By Seidler, H. B. No. 165. A bill for an Act entitled An Act to amend Article II, Chapter VI, Part III, Title III, of the Political Code, relating to the duties of the County Superintendents of Schools, adding a Section to be known as Section 1745, regarding the school census, and providing penalties for the violation of the provisions thereof.

By Cutler, H. B. No. 166. A bill for an Act entitled "An Act regulating the sale of merchandise in bulk.

By Duncan, H. B. No. 167. A bill for an Act to add a Section to the Code of Civil Procedure of Montana, to be known as Section 644, and to provide a time within which summons and other process and orders must be filed after service.

By Seidler, H. B. No. 168. A bill for an Act entitled an Act to amend Paragraph Three of Section 1830, Chapter VI, Article VI, Part III, of Title III, of the Political Code of the State of Montana, as amended by an Act of the Legislature, approved March 14, 1901, relating to the taking of the school census.

By Whiteside, H. B. No. 169. A bill for an Act entitled "An Act to amend Part III, Title VII, of the Code of Civil Procedure by adding thereto Sections 2234 and 2235, relating to the taking of land for temporary banking grounds or for temporary logging roads. Requiring that the length of time for which such lands are taken and the dates shall be fixed by the

Commission or Court and that after the expiration of such time the said lands shall revert to the party from whom the same were taken. Requiring that all damages fixed shall be paid in advance. Requiring that any lessee of such lands be made party to any such action and empowering the Court to apportion any compensation to be received, between the various parties in interest.

By Whiteside, H. B. No. 170. A bill for an Act entitled An Act to authorize and direct the executive board of the Montana Agricultural College to establish a sub-station for the purpose of carrying on experiments in Horticulture, and to appropriate money therefor.

By Duncan, H. B. No. 171. A bill for an Act entitled an Act to amend Section 7 of Chapter 52 of the Session Laws of 1905, approved March 1st, 1905, relating to the time within which wild geese, wild ducks, brant and swan may not be shot or killed.

MOTIONS AND RESOLUTIONS.

By McManus: "I move that the names of John A. Schmitt, John Hogarth, of Helena; William W. Seals of Wolf Creek, Montana; and Arthur Cole of Butte, Montana, the present janitors of the Legislative Assembly, be placed on the roll of employees of the House."

Amended motion by Whiteside that said names be placed on the pay roll from the first day of the session.

Amended motion prevailed.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 154, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 155, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 156, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 157, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 158, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 159, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 160, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 161, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 162, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 163, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 164, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 165, read first and second times by title only, and referred to Committee on Education.

H. B. No. 166, read first and second times by title only, and referred to Committee on Corporations Other than Municipal.

H. F. No. 167, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 168, read first and second times by title only, and referred to Committee on Education.

H. B. No. 169, read first and second times by title only, and referred to Committee on State Lands.

H. B. No. 170, read first and second times in full, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 171, read first and second times by title only, and referred to Committee on Fish and Game.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Executive Office, Helena, Montana, January 29, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith the following petitions that have been received at the executive office:

From the Butte Rod and Gun Club, protesting against the enactment of a law as is proposed in House Bill No. 68.

From the Great Falls Rod and Gun Club, the Montana Anglers' Association, and the Great Falls Anglers' Club, protesting against House Bill No. 68.

From citizens of the various sections of the State, protesting against any transfer of the Fish and Game Fund.

J. K. TOOLE, Governor.

Petitions referred to Committee on Fish and Game.

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 63 and House Bill No. 64 were read first and second times and referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

By Donlan, S. B. No. 42. A bill for an Act providing that upon sale of lands belonging to the State of Montana, minerals and coals shall be reserved in the patent. Referred to Committee on Public Lands.

By McCarthy, S. B. No. 43. A bill for an Act prohibiting the employment of children in certain occupations under the age of sixteen years; providing for the registration of the age of all children; the issuance of an age certificate and the disposition of the same forbidding the employment of children in certain occupations without such certificate; providing for the enforcement

of the provisions of this Act and providing penalties for the violations of the provisions thereof. Referred to Committee on Labor and Capital.

By White, S. B. No. 44. A bill for an Act entitled, "An Act to amend Section 1770 of Article IV of the Political Code of the State of Montana, as amended by the Sixth Legislative Assembly, approved March 6th, 1897, and as further amended by the Seventh Legislative Assembly, approved March 3rd, 1899. Referred to Committee on Education.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the following bills were given:

By Annin. A bill for an Act defining and concerning dependent or neglected children and delinquent children or delinquent juvenile persons, and concerning their parents and other persons responsible for or contributing to their dependency, neglect and delinquency, providing for the jurisdiction of courts and the procedure upon the trial, accusation, and custody, confinement and punishment therein.

By Everett. A bill for an Act to secure to the several counties interest on County moneys by depositing the same in banks; defining the duties of the County Treasurers and County Commissioners, County Clerks and Recorders, and County Attorneys in relation thereto, prescribing the securities to be given and for the approval thereof, prescribing penalties for a violation by a County Treasurer and others of a provision of this Act or any other Act relating to County moneys and for a failure on the part of a County Treasurer to perform the duties required of him herein and repealing all laws in conflict herewith.

By White. A bill for an Act entitled an Act prescribing the manner in which the Directors, Trustees and other Officers of a corporation may resign.

By White. A bill for an Act in relation to banks.

By White. A bill for an Act entitled an Act in relation to making loans to officers by banks.

By Miles. A bill to provide for the organization, regulation and inspection of building and loan associations.

By Miles. A bill for "An Act creating a State Fish Hatchery and providing for its maintenance."

By Martien. A bill for an Act to provide for the taxation of mortgages, deeds of trust, contracts and other obligations by which a debt is secured, and to create a lien for such taxes upon the property affected.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 14 was this day read third time and concurred in and is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:

Helena, Montana, Jan. 29, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill numbered 154, providing for the payment of certain deficiency claims in connection with State Veterinarian's Office, beg leave to report as follows: Having had same under consideration we recommend that it be passed.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 29th day of January, 1907:

House Bill No. 6. An Act to amend Section 1012 of the Political Code of the State of Montana relative to the time within which public officers shall file their oaths of office.

Also substitute for House Bills No. 2 and 13. An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Yellowstone, Rosebud and Carbon, to change the boundaries of the Sixth Judicial District of said State of Montana to conform thereto, and to provide for the appointment powers, duties and compensation and term of office of said Judicial District."

Mr. Speaker announced that he was about to sign House Bill No. 6 and Substitute for House Bills Nos. 2 and 13, and signed same in the presence of the House.

On motion, the rules were suspended and the following resolution was received, read and passed:

"WHEREAS: The placing of Carnation on the desk of each member may have failed to remind us of the fact that this is McKinley Carnation Day, a day set apart by common consent on which Carnations are usually worn in commemoration of the life, character and distinguished career of the late lamented Wm. McKinley, cruelly assassinated while just entering upon his second term of president of the United States,

Therefore, Be it Resolved, that this House extend to Mrs. R. H. Howey, Librarian of the Historical Library, and that we wear as boutonniere, this carnation as a mark of respect and veneration for the distinguished American for whom this day was named."

On motion of Walker, the House adjourned at 12 o'clock to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

TWENTY-FOURTH DAY

Wednesday, January 30, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Fisher, Griffin, Leighton, McDonald, Selway, Towers, Walker and Wilham. Griffin, Leighton and Towers excused. Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Tuesday, January 29, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

A communication from the Secretary of State of Iowa, accompanied by Resolution of the Thirty-first General Assembly, was received and read. Resolution referred to Committee on Education.

A petition and memorial was received from citizens of Silver Bow County, relative to amendment to Section 1060 of the Code of Civil Procedure. Referred to Committee on Judiciary.

NOTICES OF BILLS.

By Macaulay. A bill to provide for a State Fish Hatchery and appropriating money therefor.

By O'Connor. A bill for an Act to amend Section 3960 of the Political Code of Montana, relating to the payment of poll tax.

By O'Connor. A bill for an Act to amend Section 4747 of the Political Code of the State of Montana, relating to city and town wards.

By Morris. A bill for an Act entitled: "An Act to regulate certain gambling and prohibit other gambling."

By Swindlehurst. A bill for an Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment of the members thereof, and defining their powers and duties and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.

By Gray. A bill for an Act to amend Chapter 37, Session Laws of 1905, defining lawful fences.

By Allen. A bill for an Act entitled, "An Act to authorize the County Commissioners of the State of Montana to pass a resolution, to be known as the "Annual Appropriation Resolution," and to provide for County Officers to furnish an itemized estimate of their expenses for the fiscal year, and for fixing a levy for the County."

By Swindlehurst. A bill for an Act to define trust and declaring a trust to be unlawful, against public policy and void; to provide criminal penalties for, and civil damages, defense and punishment against persons, corporations,

firms, associations or persons connected with them violating any of the provisions of this Act, and to promote free competition in commerce and all classes of business in this State.

By Hess. A Bill for an Act entitled an Act to compel street railway companies to protect certain of their employes from inclemencies of the weather while performing services, and providing penalties for violation of the same.

By Weed. A bill for an Act to provide for the publication of the certificate of the Auditor as to the authority of Insurance Companies to transact business, and for the publication of a condensed statement of their condition in addition thereto.

By Thompson of Fergus. A bill making the County Surveyor County Supervisor of Roads, and abolishing the office of Road Supervisor.

REPORTS OF STANDING COMMITTEES.

Scallon, from the Judiciary Committee, reported as follows:

Helena, Montana, Jan. 30th, 1907.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 102 entitled "A bill for an Act entitled 'An Act appropriating money for the payment of the expense of Dr. H. J. Ricketts, while investigating the cause and cure of spotted fever,' beg leave to report the same back to the House with the recommendation that the said bill do pass."

Report adopted.

Also:

Helena, Montana, Jan. 30th, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 12, introduced by Miller of Park, being a bill for an Act to repeal an Act entitled "An Act to provide for assistants for the office of Attorney General and fix the salaries thereof," approved March 9th, 1901; and to provide for the appointment of two assistant Attorneys General and a stenographer for the Attorney General's Office, and to fix the salaries thereof," beg leave to report that we recommend that the said bill do pass.

Report adopted.

Also:

Helena, Montana, Jan. 30th, 1907.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred Substitute for House Bill No. 23, introduced by the Committee on Privileges and Elections, being a bill for an Act entitled an Act making effective the Initiative and Referendum provisions of Section 1, of Article V, as amended, of the Constitution of the State of Montana, and regulating elections thereunder, and providing penalties for violating the provisions of this Act, beg leave to report that we recommend that said bill be amended as follows:

In line 13, of Section 5, omit the word "the" immediately before the word "official" and insert in lieu thereof the words "a separate." And again in the same section in line 20 omit the word "the" immediately before the word "official," and in lieu thereof insert the words "a separate."

In line 6 of Section 7 omit the word "the" immediately before the word "official" and insert in lieu thereof the words "a separate."

That when the said amendments are made as herein suggested, we further recommend that the bill do pass.

Report adopted.

Also:

Helena, Montana, Jan. 30th, 1907.

Mr. Speaker:

Your Committee on Judiciary, having under consideration House Bill No. 47, introduced by Miller of Lewis and Clark, being a bill for an Act entitled "An Act making it unlawful for any State Officer, Board of Trustees, Managers or Commissioner to contract any liability or indebtedness for such office, institution or commission in excess of the amount appropriated for such office, institution or commission without the same has been ordered by the State Board of Examiners," beg leave to present as a substitute therefor a bill for an Act entitled:

"An Act prohibiting any State Officer, State Board of Trustees, Managers or Commissioners from contracting any liability or indebtedness for any purpose whatever, in excess of the amount appropriated for the office, institution or commission, or organization under his or their control or management, without the previous authority of the State Board of Examiners," and we recommend that the said substitute bill do pass."

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 30th, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 67, 49, 104 and 38 have been correctly printed.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, Your Committee on Engrossment, beg leave to submit House Bills Nos. 15, 17, 24, 30, 70, 100, correctly printed.

Logan, from the Committee on Fish and Game, reported as follows:

House of Representatives, Helena, Mont., Jan. 30, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 37, report the same back amended as follows: By striking out in line 4 after the word "the" the words "intake or;" in line 14, by striking out after the word "such" the word "wheel" and substituting therefor the word "flume;" in line 22 by striking out after the word "or" the word "intake" and substituting therefor the word "head-gate;" in line 24 by striking out the words "12 inches" and substituting therefor the words "10 feet" and in same line after the word "or" by striking out the word "intake" and substituting therefor the word "head-gate."

We recommend that the bill as amended do pass.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to whom was referred House Bill

No. 54, entitled "A Bill for an Act entitled an Act to provide for the appointment of a State Veterinary Medical Examining Board, describing their powers and duties and regulating the practice of Veterinary medicine within the State of Montana," having had the same under consideration, respectfully recommends that the same do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Appropriations, H. B. No. 172. A bill for an Act appropriating money for the payment of deficiency claims in connection with the Meat and Milk Inspector's Office.

By Committee on Appropriations, H. B. No. 173. A bill for an Act appropriating money for the payment of deficiency claims in connection with the State Veterinarian's Office for clerical hire.

By Marshall, H. B. No. 174. A bill for an Act entitled "An Act providing for the redemption and payment of County, School District, City and Town Bonds, held by the State, before the maturity thereof."

By Weed, H. B. No. 175. A bill for an Act to require an annual apportionment and accounting of surplus of Life Insurance Companies as to policies heretofore issued.

By Blake, H. B. No. 176. A bill for an Act to amend Section 4648 of the Political Code of Montana, relating to the fees and mileage of witnesses.

By McManus, H. B. No. 177. A bill for an Act to prohibit the making or publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary condition or property of any corporation, joint stock association, co-partnership or individual, which said statements or publications are intended to give, or shall have a tendency to give a less or greater apparent value to the shares, bonds or property, or any part thereof, of said corporation, joint stock association, co-partnership or individual, than the said shares, bonds or property shall really and in fact possess, and providing a penalty therefor.

By Blake, H. B. No. 178. A bill for an Act to provide for the payment of the actual necessary expenses of Judges of the District Court when holding court in his district in any county not the county of residence of such Judge.

By Miller of Park, H. B. No. 179. A bill for an Act entitled, "An Act prescribing regulations for opening, operating, platting, general conduct and management of coal mines and coal mining, prescribing penalties, and repealing Article I, Chapter XX, Part III, Title VII, (Sections 3350 to 3365 inclusive), of the Political Code of Montana, relating to the regulation of coal mines."

By Moore, by request, H. B. No. 190. A bill for an Act to amend Section 1752 of the Political Code relating to boundaries of school districts.

By Moore, H. B. No. 181. A bill for an Act to amend Section 2391 of Chapter III, Article I, Part III, Title V, Political Code of Montana, to repeal Section 2396 of said Chapter, relating to the librarians and their salaries, and to add a certain new section to said Chapter III, to be designated as Section 2401, relating to assistant librarians and their salaries.

By Committee on Sanitary Affairs, H. B. No. 182. A bill for an Act entitled "An Act to establish a State Board of Health, Subordinate County,

City and Town Boards of Health, defining the powers and duties of each, providing for the compensation of the officers and members of each, providing for the enforcement of the rules and regulations and laws relating to said Boards, and to repeal an Act entitled "An Act creating a State Board of Health, defining its powers and duties and providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said Board," approved March 15th, 1901."

MOTIONS AND RESOLUTIONS.

By Miller of Lewis and Clark.

Mr. Speaker:

"I move that the Committee on Printing be instructed to have prepared and placed on the desks of members the following:

Mr. Chairman:

I move to amend Sec.....by striking out in line.....
and inserting in lieu thereof.....

Signed....."

These blanks to be in pads.

Motion carried.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 172, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 173, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 174, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 175, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 176, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 177, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 178, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 179, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 180, read first and second times by title only, and referred to Committee on Education.

H. B. No. 181, read first and second times by title only, and referred to Committee on Libraries.

H. B. No. 182, read first and second times by title only, and referred to Committee on Sanitary Affairs.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:

Helena, Montana. Jan. 30th, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill

numbered 172, appropriating money for deficiency claims in Meat and Milk Inspector's Office, beg leave to report as follows: That we have had same under consideration and recommend that same be passed.

Report adopted.

Also:

Helena, Montana, Jan. 30th, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill numbered 173, appropriating money for deficiency claims in State Veterinarian's office, beg leave to report as follows: That we have had same under consideration and recommend that it be passed.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following House Bill as correctly enrolled this 30th day of January, 1907.

House Bill No. 14. "An Act to provide for the reimbursement of Judges sitting in place of other Judges."

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Executive Office, Helena, Montana, Jan. 30, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith the report of the State Veterinarian concerning the extermination of wolves and coyotes by inoculating the same with mange, as required by an Act of the Ninth Legislative Assembly, approved March 10, 1905.

J. K. TOOLE, Governor.

Report referred to Committee on Live Stock and Public Ranges.

Helena, Montana, Jan. 29, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day received:

By Romney. A bill providing for the admission of destitute and disabled pioneers of Montana to the State Soldiers' Home.

By Martien: A bill for an Act to provide for the submission to the qualified electors of the State of Montana of an amendment to Section 15, of Article XII of the Constitution of the State of Montana, relating to State and County Boards of Equalization.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 29, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were read first and second times:

H. B. No. 32, by Brewster, referred to Committee on Stock Growing and Grazing.

H. B. No. 55, by Committee on Appropriations. (By title only.) Referred to Committee on Stock Growing and Grazing.

H. B. No. 71, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 72, by Committee on Appropriations. Referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.
Helena, Montana, Jan. 29, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

By Martien, S. B. No. 45. A bill for an Act to provide for the taxation of mortgages, deeds of trust, contracts and other obligations by which a debt is secured and to create a lien for such taxation upon the property affected. Referred to Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 15, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, English, Farmer, Fisher, Gerber, Gray, Greene, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miler of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—62.

Noes.—None.

Absent and not voting.—Barbour, Duncan, Goff, Griffin, Harbordt, Kirwan, McDonald, Selway, Towers, Walker and Wilham.—11.

Title agreed to.

House Bill No. 17, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—63.

Noes.—None.

Absent and not voting.—Griffin, Harbordt, Maxwell, Morris, McDonald, Potter, Selway, Towers, Walker and Wilham.—10.

Title agreed to.

On motion of Marshall House Bill No. 24 was re-referred to Committee on Education.

House Bill No. 30, having been read three several times was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cameron, Cato, Corby, Cluston, Cummings, Decker, English, Farmer, Fisher, Gerber, Goff, Greene, Harden, Hess, Kirwan, Leighton, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Morgan, Macaulay, Patten, Scallon, Seidler, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Weed, Wendel, Wilder, and Mr. Speaker.—42.

Noes.—Bennett of Madison, Blewett, Boorman, Campbell, Cutler, Duncan, Gray, Hyndman, Kroger, Logan, Maxwell, Miles, Moore, McManus, O'Connor, Potter, Powers, Sherman and Warren.—19.

Absent and not voting.—Griffin, Harbordt, Longstaff, Morris, McDonald, Root, Ross, Selway, Towers, Walker, Whiteside and Wilham.—12.

Title agreed to.

House Bill No. 70, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Root, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Fisher, Griffin, Harbordt, Harden, Logan, Longstaff, Maxwell, McDonald, O'Connor, Potter, Powers, Ross, Selway, Towers, Walker and Wilham.—16.

Title agreed to.

House Bill No. 100, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Hess, Hyndman, Kirwan, Kroger, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Boorman, Corby, Fisher, Griffin, Harbordt, Harden, Leighton, Longstaff, McDonald, Potter, Selway, Towers, Walker and Wilham.—14.

Title agreed to.

Mr. Speaker announced that he was about to sign House Bill No. 14, and signed the same in the presence of the House.

On motion of Whiteside, the House took a recess at 12:05 P. M. until 1:30 P. M.

AFTERNOON SESSION.

House re-assembled at 1:40 P. M.

Mr. Speaker in the chair.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Allen in the chair.

House resumed.

Mr. Speaker in the chair.

Allen, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute for House Bill No. 45, introduced by Whiteside, reports same back to the House with the recommendation it be re-referred to the Committee on Judiciary.

Also having had under consideration House Bill No. 98, introduced by Hyndman, reports same back to the House with the recommendation that it be referred to Judiciary Committee as amended as follows: Strike out the word "or" in line 2 of Section 1, and insert in lieu thereof the word "of."

Also having had under consideration House Bill No. 110, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 111, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 112, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Allen in the chair.

House resumed.

Mr. Speaker in the chair.

Allen, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 113, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 5, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass as amended as follows:

Also having had under consideration House Bill No. 5, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass as amended as follows:

In Section 1. line 1. strike out after the word "that" the word "hereafter."

Strike out the words "of deeds" in line 2 of Section 1. In line 4. Section 1. after the word "town" insert the word "site."

Add to the said Bill the following Sections:

"Section 2. All acts and parts of act in conflict herewith are hereby repealed.

"Section 3. This Act shall be in force and effect from and after its passage."

Report adopted.

Also having had under consideration House Bill No. 50, introduced by Marshall, reports same back to the House with the recommendation that it be re-referred to Judiciary Committee.

Report adopted.

On motion of Weed, the House adjourned at 3:10 P. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

TWENTY-FIFTH DAY

Thursday, January 31, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except English, Griffin, McDonald, Potter, Selway, Towers and Weed. Griffin excused. Selway sick.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Wednesday, January 30, and believe same to be correct.

Report adopted.

Weed, from the Committee of the Whole of yesterday, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 83, introduced by Thompson of Fergus, reports progress and asks leave to sit again.

Report adopted.

NOTICES OF BILLS.

By Cummings. A bill for an Act entitled "An Act appropriating money for the restoration and maintenance of Old Fort Benton and providing for the appointment of a Board of Trustees for the management thereof."

By Campbell. A bill for "An Act to amend Section 706 of the Penal Code of the State of Montana, relating to persons who practice medicine or surgery without first having obtained certificate to practice, and who practice medicine or surgery after their certificate has been revoked, and providing a penalty therefor."

By Campbell. A bill entitled "An Act to amend Section 606 of the Political Code of the State of Montana, relating to the practicing of medicine

or surgery contrary to law, providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of medicine and surgery."

By Brewster. A bill for an Act entitled: "An Act to foster, develop, protect and promote the sheep industry of the State of Montana."

By Brewster. A bill for an Act to amend Sections 3000 and 3013 of the Political Code, and the Acts amendatory thereof, relating to the appointment of the State Veterinary Surgeon, his qualifications and salary.

By Allen. A bill for an Act entitled An Act to amend Section 4064 of the Political Code of Montana as amended by an Act approved March 4th, 1901, relating to licenses.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Jan. 30th, 1907.

Mr. Speaker:

I beg leave to report that House Bill 126 has been correctly printed.

Allen, on behalf of Committee on Mines and Mining, reported as follows:

Helena, Montana., Jan. 31, 1907.

Mr. Speaker:

We, your Committee on Mines and Mining, having had under consideration House Bill No. 21, a bill for an Act entitled an Act to amend Sections 580 and 581, Chapter 3, Part 3, Title I, of the Political Code of Montana, providing for the election of an inspector of quartz mines, beg leave to report the same back with the recommendation that further consideration thereof be indefinitely postponed.

Report adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana. Jan. 30, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration House Bill No. 25, introduced by Morris, being a Bill entitled, "An Act to provide for fire escapes from hotels, lodging houses and rooming houses, and providing penalty for the violation thereof," beg leave to recommend that action on said House Bill No. 25 be indefinitely postponed.

Report adopted.

Also:

Helena, Montana. Jan. 30, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, to which was referred House Bill No. 105, introduced by Gray, being a bill entitled, "An Act entitled an Act to repeal Sections 4072, 4073, 4080 and 4082, of Article II, Chapter XIII, Political Code of Montana, and Sections 4075 and 4079 of Article II, Chapter XIII, Political Code of Montana, as amended by House Bill No. 102, approved March 6, 1897, and Section 4064, of Article II, Chapter XIII, Political Code of Montana, as amended by House Bill No. 80, approved March 4, 1901, relating to licenses," beg leave to recommend that said House Bill No. 105 be referred to the Judiciary Committee.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Cummings, H. B. No. 183. A bill for an Act approving bounty claim of Stockmen's National Bank of Fort Benton, Montana, and providing for payment thereof.

By Morris, H. B. No. 184. A bill for an Act entitled: "An Act to regulate certain gambling, and prohibit other gambling."

By Griffin, H. B. No. 185. A bill for an Act regarding gambling and to prohibit certain games, and the possession or use of certain implements and appliances and the using or leasing of any premises for gambling purposes, to provide for the enforcement of this Act, and to provide civil and criminal liabilities and penalties for violations of its provisions and civil actions for the recovery of money lost at any of the games herein prohibited, and to repeal and prohibit city and town ordinances on the subject, and to repeal the Act approved March 15th, 1901, entitled: "An Act to prohibit gambling within the State of Montana, to provide penalties for the violations of this Act, and repealing an Act of the Fifth Regular Session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled, An Act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this Act," and conflicting Acts.

By Hess, H. B. No. 186. A bill for an Act entitled: "An Act to compel street railway companies to protect certain of their employees from inclemencies of the weather, while performing services," and providing penalties for violation of the same."

By Miller of Park, by request, H. B. No. 187. A bill for an Act to amend Sections 1920 to 1925 inclusive of the Political Code, as amended by Chapter XLV, of the Laws of 1903, and Sections 1925 (a) and 1925 (n) of the Political Code as enacted by said Chapter XLV, of the Laws of 1903, relating to the compulsory education of children, the establishment, equipment and conduct of industrial schools and the care of juvenile disorderly persons.

By Miller of Park, by request, H. B. No. 188. A bill for an Act creating a County Board of Educational Examiners, providing for their appointment, fixing their compensation, and prescribing their qualifications and duties.

By Thompson of Fergus, H. B. No. 189. A bill for an Act to define the powers and duties of County Surveyors, and to provide for their compensation, and to abolish the office of Road Supervisor.

MOTIONS AND RESOLUTIONS.

By Miller of Lewis and Clark:

WHEREAS: A resolution has been introduced in the Senate asking the Attorney General whether it would not be violative of the Constitution, for Senators paying occupation licenses to vote for the repeal thereof:

Therefore: Resolved that the Attorney General be requested to inform the House if under Sec. 44, of Article V, of the Constitution, it is not violative for any member of the Legislative Assembly to vote for an appropriation for his own per diem and mileage, or for bankers, mine owners, stock-raisers, fruit growers, timber cutters or lumber men to vote for

any measure in which he has a personal or private interest. or for any shipper to vote for a railroad commission bill to regulate freight rates, and if so who is to do the voting."

FIRST AND SECOND READING OF HOUSE BILLS.

H. B. No. 183, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 184, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 185, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 186, read first and second times by title only, and referred to Committee on Corporations Other than Municipal.

H. B. No. 187, read first and second times by title only, and referred to Committee on Education.

H. B. No. 188, read first and second times by title only, and referred to Committee on Education.

H. B. No. 189, read first and second times by title only, and referred to Committee on Townships and Counties.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana. Jan. 30, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 7, as amended in the Senate, House Bill No. 61, and House Bill No. 62 were read third time and concurred in, and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana. Jan. 30, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

By White, S. B. No. 46. A bill for an Act prescribing the manner in which directors, trustees and other officers of a corporation may resign. Referred to Committee on Corporations other than Municipal.

By White, S. B. No. 47. A bill for an Act entitled an Act in relation to making loans to officers by banks. Referred to Committee on Corporation other than Municipal.

By Martien, S. B. No. 48. A bill for an Act to provide for the submission to the qualified electors of the State of Montana an amendment to Section 15, of Article XII, of the Constitution of the State of Montana, relating to State and County Boards of Equalization. Referred to Committee on Judiciary.

By Everett, S. B. No. 49. An Act to secure to the several counties interest on County moneys by depositing the same in banks; defining the duties of the County Treasurers and County Commissioners, County Clerks and Recorders, County Attorneys, in relation thereto, prescribing the security to be given and providing for the approval thereof, prescribing penalties for a violation by a County Treasurer, and others of the provisions of

this or any other Act relating to County moneys, and for a failure on the part of the County Treasurer to perform the duties required of him herein, and repealing all laws in conflict herewith. Referred to Committee on Counties, Towns and Municipal Corporations.

By Miles (By request), S. B. No. 50. A bill for an Act to amend Sections 1, 17 and 25, and to repeal Sections 10, 11, 12, 13, 14, 21, 22, and 27, of Senate Bill No. 64, "An Act to provide for the organization, regulation, and inspection of building and loan associations, and to repeal Sections 770 to 790 inclusive, and 800 to 845 inclusive, of the Civil Code of Montana," approved March 4, 1897. Referred to Committee on Judiciary.

By Muffley, S. B. No. 51. A bill for an Act to provide for the establishment of guide boards at forks of public roads, defining the duties of County Commissioners therein; and providing a penalty for defacement or injury to said guide boards. Referred to Committee on Roads, Highways and Bridges.

By Edwards, S. B. No. 52. A bill for an Act entitled "An Act to provide for the creation, establishment, organization, management, and control of irrigation districts, and authorizing the incurring of indebtedness and issuance of bonds, making assessments, exercising the right of eminent domain and prescribing methods of procedure." Read first and second times by title only. Referred to Committee on Irrigation and Water Rights.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 30, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notice of the following resolution was given by White:

Resolved that the Attorney General be requested to inform the Senate whether or not, under Article V, Section 44, of the Constitution of the State of Montana, a Senator who is required to pay an occupation tax or license under the present law has a right to vote on a bill for the repeal of such occupation tax.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 30, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of the following bills were given:

By Martien: A bill for an Act to provide for the submission to the qualified electors of the State of Montana, for an Act amending Section 13, of Article XII, of the Constitution of the State of Montana, relating to the responsibility of the State Treasurer.

By Muffley. A bill for an Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment of the members thereof and defining their powers and duties, providing remedies for the enforcement of the provisions of this Act and penalties for the violation thereof.

Respectfully,

H. K. HOWRY, Secretary.

NOTICES OF BILLS.

By Barbour. A bill for an Act entitled An Act to amend Section 1000 of the Civil Code of the State of Montana, as amended by an Act of the Ninth Legislative Assembly of Montana, approved March 2d, 1905.

By Kroger. A bill for an Act providing for the payment of lost certificates of deposit and other evidence of debt or liability, where the persons to whom the same were issued have died intestate and without any known heirs or next of kin.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 111, 5, 110, 112 correctly engrossed.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to whom was referred House Bill No. 182, entitled "A bill for an Act entitled, An Act to establish a State Board of Health, Subordinate County, City and Town Boards of Health, defining the powers and duties of each, providing for the compensation of the officers and members of each, providing for the enforcement of the rules and regulations and laws relating to said Boards, and to repeal an Act entitled "An Act creating a State Board of Health, defining its powers and duties and providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said Board," having had the same under consideration, respectfully recommends that the same do pass.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Sanitary Affairs, to whom was referred House Bill No. 146, entitled "A bill for an Act entitled An Act to establish a State Bureau of Vital Statistics, placing the same under the supervision of the Secretary of the State Board of Health, and describing the duties of the Secretary of the State Board of Health and the duties of the subordinate officers of the State Board of Health relative thereto, and fully providing for the registration of births and deaths and other statistical matter relative to sanitary affairs and providing for subregistrars and providing for the payment thereof," having had the same under consideration, respectfully recommends that the same do pass.

Report adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 5 was amended as follows: Wherever the word "village" occurs, insert the word "townsite" immediately after it. In line 10, after the word "alleys" insert the words "parks and boulevards." Make same correction in the title of the Bill.

House Bill No. 5, having been read three several times, was passed and amended, by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver

Bow, Blake, Blewett, Boorman, Brewster, Burke, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Brownlee, Campbell, English, Fisher, Griffin, Harden, Logan, McDonald, O'Connor, Potter, Selway, Towers, Weed and Whiteside.—14.

House Bill No. 110, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Wendel, Wilder and Mr. Speaker.—61.

Noes.—None.

Absent and not voting.—Blake, Brownlee, English, Gray, Griffin, McDonald, Potter, Selway, Towers, Weed, Whiteside and Wilham.—12.

Title agreed to.

House Bill No. 111, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Campbell, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Park, Moore, Morris, McManus, Macaulay, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Walker, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—58.

Noes.—Miller of Lewis and Clark.—1.

Absent and not voting.—Boorman, English, Griffin, Kroger, Morgan, McDonald, O'Connor, Potter, Selway, Thompson of Sanders, Towers, Tudor, Weed and Whiteside.—14.

Title agreed to.

House Bill No. 112, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of

Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—60.

Noes.—None.

Absent and not voting.—Bennetts of Silver Bow, English, Griffin, Kroger, Logan, McDonald, Potter, Root, Selway, Swindlehurst, Towers, Weed and Whiteside.—13.

Title agreed to.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By O'Connor, by request, H. B. No. 190. A bill for an Act to amend Section 3960 of the Political Code of the State of Montana.

By O'Connor, H. B. No. 191. A bill for an Act to amend Section 4747 of the Political Code of the State of Montana.

The following Senate amendments to House Bill No. 7 were read:

Amended by inserting after the word "Montana" in line 2 of Section 1, the words "as amended by Senate Bill No. 104 of the Sixth Legislative Assembly."

Section 1, subdivision 13, amended by striking out the words "permanent and," in line 38, and adding after the word "highways," in line 39, "for such time as the Court or judge may determine."

The roll was then called and the Senate amendments were concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—60.

Noes, McManus.—1.

Absent and not voting.—English, Gray, Griffin, Leighton, McDonald, O'Connor, Potter, Powers, Selway, Towers, Weed and Whiteside.—12.

Motion by Wendel that report of Journal Committee be reconsidered. Motion carried.

Motion by Bennet, that the Journal of the 30th be amended by inserting House Bill No. 17 in full. Motion carried.

House Bill No. 17, introduced by Wendel. A bill for an Act entitled "An Act providing for the submission to the electors of the State of Montana, for their approval or rejection an amendment to Section 6, of Article 13, of the Constitution of the State of Montana, relative to the indebtedness of cities.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified electors of the State of Montana at the next general election to be held within the State,

the following amendment to Section 6, of Article 13, of the Constitution of the State of Montana, relating to the indebtedness of cities.

Section 2. That Section 6, of Article 13, of the Constitution of the State of Montana, be amended by adding thereto the following words, to-wit: "Or to procure a lighting plant for such municipality which shall own and control said lighting plant and devote the revenues derived therefrom to the payment of the debt incurred therefor," so that when amended, said Section shall read as follows: "No City, Town, Township, or School District shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding three per centum of the amount of the taxable property therein, to be ascertained by the last assessment for the State and County taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount, given by, or on behalf of such City, Town, Township, or School District shall be void;

PROVIDED, HOWEVER, That the Legislative Assembly may extend the limit mentioned in this Section, by authorizing municipal corporations to submit the question to a vote of the taxpayers affected thereby, when such increase is necessary to construct a sewerage system or to procure a water supply for such municipality, which shall own and control said water supply and devote the revenues therefrom to the payment of the debt incurred therefor, or to procure a lighting plant for such municipality which shall own and control said lighting plant and devote the revenues derived therefrom to the payment of the debt incurred therefor."

Section 3. The vote upon this amendment shall be counted and canvassed by such persons and in such manner as provided by law for the counting and canvassing of the vote of members of Congress, and if a majority of all the votes cast at said election for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as part of the Constitution from and after the date of said proclamation.

Section 4. The official ballot used at the general election held in November, 1908, shall have printed thereon the following words, in such manner as to allow every elector an opportunity to indicate thereon by proper marks his preference, to-wit:

"For the amendment to the Constitution relating to the indebtedness of cities," and the words: "Against the amendment to the Constitution relating to the indebtedness of cities."

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 6. This Act shall take effect and be in force from and after its passage and approval.

House Bill No. 17, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harden, Hess, Hyndman, Kirwan,

Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—63.

Noes.—None.

Absent and not voting.—Griffin, Harbordt, Maxwell, Morris, McDonald, Potter, Selway, Towers, Walker and Wilham.—10.

The above copy of House Bill No. 17 and vote on same was ordered inserted in Journal of today as an amendment to Journal of yesterday.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Gray in the chair.

House resumed.

Mr. Speaker in the chair.

Gray, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 83, introduced by Thompson of Fergus, reports same back to the House with the recommendation that it be re-referred to Committee on Education.

Also having had under consideration House Bill No. 91, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 92, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Report adopted.

On motion of Miller of Park, the House took a recess until 2 P. M. today.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Miller of Park, from the Committee on Education, reported as follows:

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred Senate Bill No. 9, being a bill for an Act to amend Section 1520, of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction, regarding the revocation of State or Life Diplomas, and the Issuance of Temporary State Certificate, beg leave to report the same back to the House with the recommendation that the same be concurred in, with the following amendment: That said Bill show that it was introduced by Tooley and Shaw.

Report adopted.

Also:

Helena, Montana., Jan. 31, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 134, introduced by Shaw, being a Bill for an Act to allow traveling expenses for County Superintendents of Schools, beg leave to report the same back to the House, with the recommendation that it do pass.

Report adopted.

Also:

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 141, being a Bill for an Act to amend Section 1742, of the Political Code of Montana, relating to County Superintendents and their necessary traveling expenses, when engaged in visiting schools, beg leave to report same back to the House with the recommendation that further consideration of said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 129, introduced by Cameron, being a Bill for an Act to amend Section 1840 of the Political Code of Montana, as amended by an Act approved March 5th, 1903, relating to the qualification of teachers, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 168, introduced by Seidler, being a bill for an Act entitled "An Act to amend Paragraph 3, of Section 1830, Chapter VI, Article VI, Part III, of Title III, of the Political Code of the State of Montana, as amended by an Act of the Legislature approved March 14th, 1901, relating to the taking of school census," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 165, introduced by Seidler, being a bill for an Act entitled An Act to amend Article II, Chapter VI, Part III, Title III, of the Political Code of the State of Montana, relating to the duties of County Superintendents of Schools, adding a section to be known as Section 1745, regarding the school census, and providing penalties for violation of the provisions thereof, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 180, introduced by Moore, being a bill for an Act to amend Section 1752 of the Political Code of the State of Montana, relating to boundaries of school districts, beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also:

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 24, introduced by Shaw, being a bill for an Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction, regarding the revocation of State or Life Diplomas and the issuance of temporary State Certificates, beg leave to report the same back to the House with the recommendation that further consideration of said bill be indefinitely postponed, for the reason that a like bill has passed the Senate and is now before the House for consideration.

Report adopted.

MOTIONS AND RESOLUTIONS.

By Marshall: "I move to reconsider the vote by which the Resolution offered by Miller of Lewis and Clark was adopted this morning."

Motion carried.

Marshall asked unanimous consent to withdraw Resolution of Miller of Lewis and Clark. Consent given and Resolution withdrawn.

NOTICES OF BILLS.

By Miller of Lewis and Clark: A bill for an Act making towns and cities liable for all damages to persons, teams or vehicles, passing over grade crossings of railroads operating in the State of Montana on generally traveled streets, where the town or city has not required the railroad company to keep a watchman at such crossings to warn persons desiring to cross of danger.

By Whiteside. A bill to authorize the Board of Managers of the State Agricultural College to hold Farmers' Institute meetings and to repeal an Act entitled An Act providing for Farmers' Institutes and making an appropriation therefor, approved March 14th, 1901.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Burke in the chair.

House resumed.

Mr. Speaker in the chair.

Burke, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole having had under consideration House

Bill No. 93, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 94, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 95, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Blake, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 41, introduced by Gray, reports same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

On motion, the House adjourned at 3 P. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

TWENTY-SIXTH DAY

Friday, February 1, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cutler, Selway and Towers. Cutler excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Thursday, January 31, and believe same to be correct.

Report adopted.

Also:

Helena, Montana, February 1, 1907.

Mr. Speaker:

Your Committee on House Journal begs leave to report that the Journal of the 30th of January has been amended by the insertion in full of the constitutional amendment offered in House Bill No. 17, and we believe same to be correct.

Report adopted.

NOTICES OF BILLS.

By Corby. A bill entitled An Act to add to Article 6, Chapter 3, Title 1, Part 3, of the Political Code, as section to be numbered 428; providing for the cancellation by the State Auditor, at the expiration of a specified period, of all warrants returned or uncalled for.

By Brewster. A bill for an Act providing for the payment of certain expenses incurred by the Board of Stock Commissioners and the Board of Sheep Commissioners with relation to Bounty Fraud Cases and Bounty Supplies, from the Bounty Fund.

By Brewster. A bill for an Act conferring additional powers and duties on the Board of Stock Commissioners, providing for the appointment of special deputy state veterinary surgeons, etc.

Shaw. A bill for an Act to provide for the regulation of ballots, by providing detachable coupons to prevent what is known as the "endless chain."

By Shaw. A bill appropriating \$2500 for the building of an addition to the Capitol power house, to be used as a cafe.

By Tudor. A bill for an Act entitled "An Act prohibiting the use of automobiles on any public highways or road in the State of Montana and prescribing penalties.

By Shaw. A bill to prevent fusion between political parties.

By Goff. A bill entitled: A bill for an Act to amend Sections 7, 11, 13, 15, 16, 18, 21, 35, 36, and 47 of an "Act to revise the laws in reference to the State Militia of the State of Montana and to repeal certain laws named in this Act," approved March 9, 1897, and providing for the appointment of a Chief Clerk to the Adjutant General and a military storekeeper and fixing salaries.

By Duncan. A bill for an Act prohibiting the killing or shooting of grouse, prairie chicken, pheasants and sage hens.

By Duncan. A bill for an Act to protect stockholders and other persons dealing with corporations in this State, and to provide punishment for the violation of any of the provisions of said Act.

By Morris. A bill for an Act to reapportion the State for representation purposes and to fix the number of representatives for each county thereof.

By Campbell. A bill for an Act entitled "An Act to appropriate the sum of Ten Thousand Dollars (\$10,000) or so much thereof as may be necessary to be expended in securing proper ventilating facilities for the State Capitol, and particularly for the Senate Chamber and the House of Representatives.

By Seidler. A bill asking for an appropriation out of the Fish & Game fund, said moneys to be used in exterminating the German carp in the Missouri River and its tributaries.

By Weed. A bill for an Act to require an Annual apportionment and accounting of surplus of life insurance companies.

By Weed. A bill for an Act relating to the provisions of Life Insurance policies.

By Shaw. A bill appropriating \$5,000 for the purpose of establishing an independent electric light system and plant for the Capitol.

REPORTS OF STANDING COMMITTEES.

Miller of Lewis and Clark, from the Committee on Employes, reported as follows:

Helena, Montana, Feb. 1, 1907.

Mr. Speaker:

Your Committee on Employes would respectfully report that the Committee on Judiciary finds it necessary to have an additional clerk and have recommended J. A. Johnston.

We find him competent and recommend that he be appointed for such time as his services are needed.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, January 31, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 82 and 130 have been correctly printed.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 1st day of February, 1907:

House Bill No. 62. An Act making appropriation for the Incidental Expenses of the Tenth Legislative Assembly of the State of Montana.

House Bill No. 61. An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Reform School.

House Bill No. 117 was withdrawn from the Committee on Education and referred to Judiciary Committee.

Mr. Speaker announced that he was about to sign House Bills Nos. 61 and 62, and signed the same in the presence of the House

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 91, 92, 93, 94, 95, 113, correctly engrossed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Campbell, H. B. No. 192. A bill for an Act to amend Section 606 of the Political Code of the State of Montana, relating to the practice of medicine or surgery contrary to law, providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of medicine or surgery.

By Campbell, H. B. No. 193. A bill for an Act to amend Section 706 of the Penal Code of the State of Montana relating to persons who practice medicine or surgery without first having obtained the certificate to practice, and who practice medicine or surgery after their certificate has been revoked, and providing a penalty therefor.

By Cummings, H. B. No. 194. A Bill for an Act entitled "An Act appropriating money for the restoration and maintenance of Old Fort Benton and

providing for the appointment of a Board of Trustees for the management thereof.

By Barbour, H. B. No. 195. A bill for an Act entitled An Act to amend Section 1000 of the Civil Code of the State of Montana, as amended by an Act of the Ninth Legislative Assembly of Montana, approved March 2d, 1905.

By Swindlehurst, H. B. No. 196. A bill for an Act to define trust and declaring a trust to be unlawful, against public policy and void; to provide criminal penalties for and civil damages, defenses and punishment against persons, corporations, firms, associations or persons connected with them violating any of the provisions of this act; and to promote free competition in commerce and all classes of business in this State.

By Weed, H. B. No. 197. A bill for an Act to provide for the publication of the certificate of the Auditor as to the authority of Insurance Companies to transact business, and for the publication of a condensed statement of their condition in addition thereto.

By Swindlehurst, H. B. No. 198. A bill for an Act entitled, "An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment of members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.

By Committee on Livestock and Ranges, H. B. No. 199. A bill for an Act to amend Sections 3000 and 3013 of the Political Code, and the Acts amendatory thereof, relating to the appointment of a State Veterinary Surgeon, his qualifications and salary.

By Committee on Livestock and Ranges, H. B. No. 200. A Bill for an Act to amend Chapter 45 of the Laws of 1905, entitled: "An Act to foster, develop, protect and promote the sheep industry of the State of Montana, and to appoint a Board of Sheep Commissioners and appoint inspectors and deputy inspectors, and to define their duties and powers, and the duties and powers of the State Veterinary Surgeon in connection therewith," and to repeal an Act entitled: "An Act for the appointment of a Board of Sheep Commissioners, and to define their powers and duties," approved March 5, 1897, and Sections 3030 to Section 3046, inclusive, of the Political Code, covering the same subject, approved February 28, 1905, by amending Sections 3, 12, 15, 16, 17, 19, 24 and 27 to read as hereinafter set forth, and by adding thereto a Section as number 32, relating to buck herds."

By Cameron, H. B. No. 201. A bill for an Act creating herding districts for live stock, and providing a penalty for permitting live stock to run at large therein.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 190, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 191, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 192, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 193, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 194, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 195, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 196, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 197, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 198, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 199, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 200, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 201, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

Whiteside asked unanimous consent to introduce House Bill No. 202. Consent given.

By Whiteside, H. B. No. 202. A bill for an Act entitled "An Act to provide for Farmers' Institutes and extension work in Agriculture" and to repeal an Act entitled "An Act providing for Farmers' Institutes and making an appropriation therefor, approved March 14th, 1901, and to repeal an Act entitled "An Act to amend an Act providing for Farmers' Institutes and making an appropriation therefor, approved March 6th, 1903."

Kroger asked unanimous consent to introduce House Bill No. 203. Consent given.

By Kroger, H. B. No. 203. A bill for an Act providing for the payment of lost certificates of deposit and other evidence of debt or liability, where the persons to whom the same were issued have died intestate and without any known heirs or next of kin.

Blewett asked unanimous consent to introduce House Bill No. 204. Consent given.

By Blewett, H. B. No. 204. A bill for an Act entitled "An Act to provide for the appointment of Boards of Examiners for Applicants for certain positions in and about coal mines, prescribing their duties, and terms of office, and providing for the salaries of such Boards."

H. B. No. 202, read first and second times by title only, and referred to Committee on Fairs and Expositions.

H. B. No. 203, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 204, read first and second times by title only, and referred to Committee on Mines and Mining.

REPORTS OF STANDING COMMITTEES.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to whom was referred

House Bill No. 136, entitled "A bill for an Act requiring all railroad companies operating in the State of Montana to keep a watchman at the grade crossings of all generally traveled streets over which trains pass or switching is done as often as once in three hours in towns or cities of not less than two thousand (2000) inhabitants, from six o'clock A. M. until 8 o'clock P. M., and providing penalties for failure so to do," having had the same under consideration, respectfully report the same back to the House with the recommendation that the further consideration of the same be indefinitely postponed.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Railroads and Transportation, to whom was referred House Bill No. 139, entitled "A bill for an Act entitled An Act to compel corporations, associations or persons operating railways or railroads in the State to furnish cars and power to move shipments of property in car load lots; to provide for the recovery of penalties and damages for failure so to do; and to prevent discriminations against shippers in furnishing cars and power to move their property," having had the same under consideration respectfully report the same back to the House with the recommendation that the further consideration of the same be indefinitely postponed.

Motion, by Blake, that report be adopted.

Substitute motion by Duncan that House Bill 139 be re-referred to Committee on Railroads and Transportation.

Substitute motion carried, and House Bill No. 139 re-referred to Committee on Railroads and Transportation.

NOTICE OF BILL.

By Miller of Park: A bill for an Act entitled "An Act to amend an Act approved March 18, 1901, entitled 'An Act creating the office of Inspector of Coal Mines, defining his duties, and providing for his salary, and providing penalties for the violation thereof,' making the Coal Mine Inspector "ex officio," the Sealer of weights and measures for coal mines, and providing for his removal from office for cause.

Senate Concurrent Resolution No. 4, was received and read, as follows:

Senate Concurrent Resolution No. 4. Be it resolved by the Senate, the House concurring, that the President of the Senate appoint three (3) Senators, and the Speaker of the House appoint three (3) Representatives, to act as a Joint Committee of the Legislative Assembly, to prepare and present a bill providing for the proper distribution of the money received from the United States on account of forest reserve fees, collected and to be distributed to the State, under the laws of Congress.

Senate Concurrent Resolution No. 4, was then placed on final passage and carried by the following vote:

Ayes—Bennet of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Fisher, Gerber, Greene, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, Patten, Powers, Root, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thomp-

son of Fergus, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—51.

Noes, Beckwith.—1.

Absent and not voting.—Allen, Barbour, Blewett, Cutler, English, Goff, Gray, Griffin, Harden, Kirwan, Logan, Maxwell, Morris, McManus, Macaulay, O'Connor, Potter, Ross, Scallon, Selway and Towers.—21.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Executive Office, Helena, Montana, February 1, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith sundry claims against the State for the transportation of prisoners, which remain unpaid because of no appropriation; the claims amounting in the aggregate to seven thousand and seventeen dollars and seventy-five cents.

Also sundry deficiency claims on account of the National Guard Encampment, amounting in the aggregate to six hundred and twelve dollars and fifty cents.

Also an old claim on account of the State Board of Education, amounting to sixty-one dollars and fifty cents.

Also a deficiency claim on account of the State Capitol Building, amounting to two hundred and fifty dollars.

Also a deficiency claim on account of Attorney General, amounting to one hundred and fifty dollars.

Also claims on account of Meat and Milk Inspector, amounting in the aggregate to four hundred and seventy-two dollars and seventy-five cents.

Also sundry claims on account of the Supreme Court, amounting in the aggregate to fifty-eight dollars and thirty cents.

Also a bounty claim, disallowed by the State Board of Examiners for the reason that it would be impossible to tell whether the original had been paid; amounting to forty-two dollars.

Also a claim on account of requisition, disapproved by the State Board of Examiners on account of no vouchers accompanying claim and because it is a claim of 1902 and should have been presented to the Ninth Legislative Assembly, amounting to one hundred and thirty-four dollars and forty cents.

Also sundry claims that were submitted to the Ninth Legislative Assembly and not acted upon by that body, amounting in the aggregate to one thousand one hundred and four dollars and nineteen cents.

J. K. TOOLE, Governor.

Communications and claims referred to Committee on Appropriations.
Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Concurrent Resolution, introduced by Martien, was adopted by the Senate and is herewith transmitted to the House for its concurrence:

Senate Concurrent Resolution No. 4. Be it resolved by the Senate, the House concurring, that the President of the Senate appoint three (3) Senators, and the Speaker of the House appoint three (3) Representatives, to act as a Joint Committee of the Legislative Assembly, to prepare and

present a bill providing for the proper distribution of the money received from the United States on account of Forest Reserve fees, collected and to be distributed to the State, under the laws of Congress.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 11, 15, 17, 19, 32 and 38 were read a third time and passed, and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 71 and 72 were read third time and concurred in, and are herewith returned to the House.

Respectfully, H. K. HOWRY, Secretary.

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 58 was read third time and concurred in, as amended in the Senate, and is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notice of the following Memorial was received:

By Everett: Senate Joint Memorial, memorializing the Congress of the United States, to provide for the allotment of Indian lands and to open the Blackfoot Indian Reservation to settlement.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 30, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced and read first and second times:

H. B. No. 15, read first and second times and referred to Committee on Judiciary.

H. B. No. 17. Read first and second times and referred to Committee on Counties, Towns and Municipal Corporation.

H. B. No. 30, read first and second times and referred to Committee on Railroads and Transportation.

H. B. No. 70, read first and second times by title only and referred to Committee on Finance and Claims.

H. B. No. 109, read first and second times and referred to Committee on Finance and Claims.

Respectfully, H. K. HOWRY, Secretary.

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of the following Bills were given:

By Everett. A bill for an Act authorizing and empowering the Governor and Secretary of State, to deed and convey to the United States of America, certain lands granted to the said State by the United States under the Caryl Land Act, under what is known as the Dearborn project.

By Donlan. A bill for an Act to regulate the sale, and to prevent the adulteration of foods, drugs, medicines and poisons and prescribing penalties for the violation thereof.

By Miles. A bill entitled An Act providing for submitting to the qualified electors of the State of Montana, an amendment prescribing the time and manner for electing County Superintendents of Schools.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Jan. 31, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a resolution was adopted instructing the Secretary of the Senate to prepare twice a week a card showing the present position of all Senate Bills, and Joint Resolutions on the Senate, the same to be printed for the use of the Senate and House.

Respectfully,

H. K. HOWRY, Secretary.

FIRST AND SECOND READING OF SENATE BILLS.

S. B. No. 11, read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 15, read first and second times by title only, and referred to Committee on Railroads and Transportation.

S. B. No. 17, read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 19, read first and second times by title only, and referred to Committee on Appropriations.

S. B. No. 32, read first and second times by title only, and referred to Committee on Privileges and Elections.

S. B. No. 38, read first and second times by title only, and referred to Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 91, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of

Sanders, Thompson of Fergus, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—60.

Noes.—None.

Absent and not voting.—Allen, Barbour, Cutler, English, Fisher, Harbordt, Harden, Morgan, Potter, Ross, Selway, Towers and Tudor.—13.

Title agreed to.

House Bill No. 92, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, McManus, Macaulay, Patten, Powers, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Allen, Barbour, Cutler, English, Fisher, Harbordt, Harden, Logan, Morgan, Maxwell, O'Connor, Root, Selway, Thompson of Fergus, Potter, Towers and Warren.—17.

Title agreed to.

House Bill No. 93, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Griffin, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Allen, Barbour, Blake, Corby, Cutler, Gray, Harbordt, Harden, Logan, Potter, Seidler, Selway, Towers, Tudor, Walker, Warren and Weed.—17.

Title agreed to.

INTRODUCTION OF BILL.

The following bill was introduced and placed on file:

By Macaulay, H. B. No. 205. A bill for an Act entitled "An Act to create a Board of Fish Commissioners; providing for the locating, erecting and establishment of a State Fish Hatchery and providing for the maintenance thereof; to regulate the gathering and hatching of fish eggs, and the distribution of the product of said Hatchery, and to appropriate money from the Game and Fish fund, for all of said purposes."

READING OF HOUSE BILL.

The following bill was taken from the file:

H. B. No. 205, read first and second times by title only, and referred to Committee on Fish and Game.

On motion of McManus, the House took a recess at 12 o'clock Noon, until this afternoon at 2 o'clock.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

House Bill No. 94, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Harden, Hess, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Tudor, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Allen, Barbour, Brewster, Corby, Cummings, Cutler, Decker, Gray, Griffin, Harbordt, Leighton, McDonald, McManus, Potter, Powers, Root, Selway, Thompson of Fergus, Towers, Walker, Weed and Whiteside.—22.

Title agreed to.

House Bill No. 95, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Burke, Campbell, Cameron, Cato, Cluston, Decker, Duncan, English, Farmer, Fisher, Greene, Gerber, Goff, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Allen, Barbour, Brewster, Brownlee, Corby, Cummings, Cutler, Gray, Griffin, Harbordt, McDonald, Potter, Scallon, Selway, Thompson of Fergus, Towers, and Whiteside.—17.

Title agreed to.

House Bill No. 113, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Decker, Duncan, English, Gerber, Goff, Greene, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Allen, Barbour, Corby, Cummings, Cutler, Farmer, Fisher, Gray, Griffin, Harbordt, Moore, McDonald, Potter, Scallon, Selway, Thompson of Fergus, and Towers.—17.

Title agreed to.

Unanimous consent was given Macaulay to introduce the following resolution:

Montana House of Representatives, February 1, 1907.

WHEREAS, there has been a protracted shortage of coal in the State of Montana, due to causes not sufficiently explained; and

WHEREAS, there has been a rise in the price of coal to the consumer from twenty-five to fifty per cent above last year's price; and

WHEREAS, the individual or domestic consumer of coal has been able to secure only a very limited supply of coal at one time, while large quantities of coal have been steadily supplied to the largest industrial concerns in the State;

BE IT RESOLVED, that the Speaker appoint a Committee of Representatives of this House, whose duty it shall be to thoroughly investigate the coal shortage and the unprecedented rise in the price of coal, together with the causes through which the small consumer has been confined in his purchases to limited quantities of coal, while mines, smelter, railroads and other large concerns have been fully supplied, and report to this House, the report to be made the basis of needful legislation, in case it be shown that the domestic consumer of coal has been made the victim of a coal combine or conspiracy designed to subject him to unjust discrimination and to compel him to pay extortionate prices for coal.

Resolution adopted.

Motion by Miller that substitute for House Bill No. 45 be withdrawn from the Committee on Judiciary and placed on general orders.

Motion carried.

The following Senate amendment to House Bill No. 58 was read:

Amended by adding another Section to be known as Section 3, to read as follows:

"Section 3. The provisions of Section 1 of this Act shall not apply to relief or wreck trains." Changing Section 3 so as to read Section 4. Changing Section 4 so as to read Section 5.

Senate amendments to House Bill No. 58 were concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell Cameron, Cato, Cluston, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Harden, Hess, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McManus, Macaulay, Patten, Powers, Root, Ross, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham, White-side, Mr. Speaker.—54.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennetts of Silver Bow, Corby, Cummings, Cutler, Gray, Griffin, Harbordt, Leighton, Logan, Moore, McDonald, Macaulay, Potter, Scallon, Selway, Shaw and Towers.—19.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Wendel in the chair.

House resumed.

Mr. Speaker in the chair.

Wendel, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 9, introduced by Tooley and Shaw, reports same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 84, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 38, introduced by Weed, reports same back to the House with the recommendation that it be made special order for next Friday.

Also having had under consideration House Bill No. 49, introduced by Hyndman, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Wendel in the chair.

House resumed.

Mr. Speaker in the chair.

Wendel, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 67, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 104, introduced by Wendel, reports same back to the House with the recommendation that it do pass as amended as follows: Amend Section 1 by inserting in line 8, after the word "second" the words "and third."

Report adopted.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 1, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 107, 79, 22, 48, 52, 154, 173, 73 and 89 have been correctly printed.

Morris, on behalf of the Committee on State Lands, reported as follows:

Mr. Speaker:

We, your Committee on State Lands, having had under consideration House Bill No. 169, entitled a bill for an Act entitled "An Act to amend Part III, Title VII of the Code of Civil Procedure by adding thereto Sections 2234 and 2235 relating to the taking land for temporary banking grounds or for temporary logging roads; requiring that the length of time

for which such lands are taken and the dates shall be fixed by the Commission or Court and that after the expiration of such time the said lands shall revert to the party from whom the same were taken; requiring that all damages fixed shall be paid in advance; requiring that any lessee of such lands be made party to any such action and empowering the Court to apportion any compensation to be received between the various parties in interest, beg leave to report the same back with the recommendation that it do pass.

Report adopted.

Cameron, from the Committee on State Boards and Officers, reported as follows:

Helena, Montana, February 1, 1907.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill numbered 157, a bill for an Act entitled, "An Act to amend Section 4596 of the Political Code of the State of Montana, relating to the annual compensation allowed deputies or assistants to County Officers, as amended by an Act entitled 'An Act relating to the number of deputies allowed County Auditors in counties of the first class, and fixing the compensation of same,' approved March 4, 1905, and as amended by an Act entitled, 'An Act relating to number of assistants allowed the Clerk of the District Court in counties of the first class, and fixing the compensation allowed to said deputies and assistants, in counties of the first class,' approved March 4, 1905, and as amended by an Act entitled, 'An Act fixing the maximum number of deputy sheriffs, in counties of the first class, and the maximum annual compensation thereof,' approved March 4, 1905, and as amended by an Act entitled, 'An Act relative to the number of assistants allowed Treasurers in counties of the first class, and fixing the compensation allowed to said deputies and assistants in counties of the first class,' approved March 4, 1905, and to repeal an Act entitled, 'An Act to amend Sections 3 and 4 of an Act entitled, 'An Act concerning the compensation of County, District and Township Officers,' approved March 6, 1891, approved March 2, 1893, and to repeal an Act entitled 'An Act to amend an Act entitled, 'An Act concerning the compensation of County, District and Township Officers,' approved March 9, 1893; beg leave to report same back to the House with the following amendments. Strike out the words "two thousand one hundred dollars" after the words "under sheriff," in line 19 of Section 1, and insert in lieu thereof the words "eighteen hundred dollars;" in line 20 strike out the words "two thousand one hundred dollars" and insert in lieu thereof the words "eighteen hundred dollars;" in line 24 strike out the words "Two Thousand one hundred dollars," and insert in lieu thereof the words "Eighteen hundred dollars;" also in line 25 strike out the words "One thousand eight hundred dollars," and insert the words "Sixteen hundred and fifty dollars" in lieu thereof; and recommend that the bill as amended do pass."

Report adopted.

Also:

Helena, Montana, February 1, 1907.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred

House Bill numbered 142, "A bill for an Act entitled 'An Act to provide for the compensation of State Officers,' beg leave to report same back to the House with the recommendation that it do pass."

Report adopted.

Also:

Helena, Montana, February 1, 1907.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill numbered 156, a bill for an Act entitled, An Act to amend Sections 4507 and 4602 of the Political Code of the State of Montana, as amended by an Act entitled "An Act to amend Sections 4507 and 4602, of the Political Code of the State of Montana, relating to the number of deputies allowed County Officers," approved March 3, 1905, and as amended by an Act entitled "An Act relating to the number of deputies allowed County Auditors, in counties of the first class, and fixing the compensation of same," approved March 4th, 1905, and as amended by an Act entitled, "An Act relating to the number of assistants allowed the Clerk of the District Court, in counties of the first class, and fixing the compensation allowed to deputies and assistants, in counties of the first class," approved March 4, 1905, and as amended by an Act entitled "An Act fixing the maximum number of Deputy Sheriffs in counties of the first class, and the maximum annual compensation thereof," approved March 4, 1905, and as amended by an Act entitled "An Act relative to number of assistants allowed Treasurers in Counties of the first class, and fixing the compensation allowed to said deputies and assistants in counties of the first class," approved March 4, 1905, and to repeal an Act entitled, "An Act to amend Sections 3 and 4 of an Act entitled, 'An Act concerning the compensation of County, District and Township Officers,' approved March 6, 1891," approved March 2, 1893, and to repeal an Act entitled "An Act to amend an Act entitled 'An Act concerning the compensation of County, District and Township Officers,' approved March 9, 1893; beg leave to report same back to the House with the following amendments:

Strike out the word "eight" in line 20 of Section 1, and insert the word "seven" in lieu thereof; also in line 41, strike out the word "and," after the word "third," and after the word "fourth" insert the words "and fifth;" also strike out the word "fifth" after the word "the" in said line 41; and recommend that the bill as amended do pass."

Report adopted.

Brownlee, from the Committee on Townships and Counties, reported as follows:

Helena, Montana, Feb. 1, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 4, being a Bill for an Act entitled, "An Act to legalize outstanding bonds and warrants of counties heretofore issued for the purpose of paying for the construction of highways, bridges and public buildings, beg leave to report with recommendations that the same be concurred in.

Report adopted.

On motion of Macaulay, the House adjourned at 4:10 to meet Monday at 2 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

TWENTY-NINTH DAY

Monday, February 4, 1907.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, English, Greene, Manchester, Maxwell, McDonald, Potter, Powers, and Swindlehurst.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Friday, February 1, and believe the same to be correct.

Report adopted.

Mr. Speaker announced the appointment of the following Committees:

On Senate Concurrent Resolution No. 4, "Be it Resolved by the Senate the House concurring, that the President of the Senate appoint three (3) Senators, and the Speaker of the House appoint three (3) Representatives, to act as a Joint Committee of the Legislative Assembly, to prepare and present a bill providing for the proper distribution of the money received from the United States on account of the forest reserve fees, collected and to be distributed to the State, under the laws of Congress." Gray, Cameron and Duncan were appointed as such committee.

Allen, Macaulay and O'Connor were appointed as a Committee to investigate the shortage of cars and coal supply.

NOTICES OF BILLS.

By Weed. A bill for an Act to amend Section 411 of the Civil Code of Montana, relating to the making and filing of Articles of Incorporation or domestic corporations.

By Marshall. A bill for an Act entitled "An Act to extend and define the boundaries of Missoula County and to alter the boundaries of Granite County and Sanders County to conform therewith.

By Griffin. A bill for an Act to amend Section 2 of an Act approved March 1, 1905, entitled, "An Act to repeal Sections 4, 6, 11, 12, 21 and 25 of House Bill No. 123, entitled "An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game, approved March 8, 1897, and to also repeal Sections 1, 2, 3, and 5 of the said Act as amended by House Bill No. 13, Session Laws of 1901.

approved March 14, 1901, and to provide further protection to birds, fish, fur bearing animals and game."

By Miller of Park. A bill for an Act providing that all graduates of the University of Montana, who have completed a certain amount of work in the department of Psychology and Method, shall be entitled to teach in the public schools of the State without other or further examination.

By Gray. A bill for an Act to provide for the sale of estrays.

By Weed. A bill for an Act to provide certain requirements of Life Insurance Companies organized in the State of Montana, and also relating to the admission of Life Insurance Companies organized in another State, and applying to transact business in this state.

By Goff. A bill for an Act entitled "An Act to amend Section 1 of Chapter 27 of the Acts of the Ninth Legislative Assembly, being an Act to authorize cities and towns to create special improvement districts, and to levy special assessments upon the property of such districts, for the purpose of defraying the cost of construction or acquiring a system of water works and laying extensions to water mains, approved February 21, 1905."

By Miller of Park. A bill for an Act entitled "An Act to amend Section 132 and Section 134 of the Civil Code of the State of Montana, and to amend Article II, of Chapter II, of Title I, of Division I, of said Civil Code of the State of Montana, by adding thereto a Section to be numbered Section 147, which said Section 147 defines incompatibility of temper, as a cause of divorce.

By Miller of Park. A bill for an Act to amend Section 397, and Section 1503 of the Code of Civil Procedure, of the State of Montana, relating to appearance in Justices' Courts.

By Duncan. A bill for an Act entitled An Act to amend Section 3860 of the Civil Code of the State of Montana, relating to the renewal of mortgages of personal property, as amended by Chapter IV, Laws of 1903, approved March 4, 1903, and as amended by the Act of the Legislative Assembly of the State of Montana, approved February 28th, 1905; and to amend Section 3865 of the Civil Code of the State of Montana, relating to the period of time for which mortgages of personal property shall be valid.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:

Mr. Speaker: Helena, Montana, February 4, 1907.

Your Committee on Appropriations, to whom was referred H. B. No. 65, a Bill for an Act appropriating money for the erecting and equipping of additional buildings for the State Orphans' Home at Twin Bridges, Montana, and for the construction of a system of sewerage in connection with the same, beg to refer same back with the recommendation that it be passed, with the following amendments:

Amend Section 1 by inserting after the word "construction" the words "and furnishing." Add a new Section numbered Section Six, as follows: "The aggregate sum of \$17,000 appropriated by Sections 1-2-4 and 5 is appropriated for the fiscal year ending Nov. 30, 1907, and the sum of \$8,000 appropriated in Section 3 is appropriated in Section 3 is appropriated for the fiscal year ending Nov. 30, 1908."

Re-number Section 6 to be Section 7.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 4th day of February, 1907:

House Bill No. 58. "An Act to regulate the hours of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators, and agents acting as operators, and to provide penalties and civil liabilities for the violation thereof."

House Bill No. 72. "An Act appropriating money for the payment of certain deficiency claims in connection with the State Examiner's Office."

House Bill No. 71, "An Act appropriating money for the payment of certain deficiency claims in connection with the State Auditor's Office."

Also:

Mr. Speaker:

Your Committee on Enrollment report the following House Bill as correctly enrolled this 4th day of February, 1907:

House Bill No. 7. "An Act to amend Section 2211 of Title VII, of Chapter I, of Part III, of the Code of Civil Procedure of the State of Montana as amended March 7th, 1899, relating to the right of eminent domain."

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 4, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill No. 102 has been correctly printed.

House Bill No. 102 placed on General Orders.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 84, 49, 67, 104 correctly engrossed.

House Bills Nos. 84, 49, 67 and 104, were placed on file for third reading.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to whom was referred House Bill No. 46, entitled "A bill for an Act entitled "An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties; providing for the appointment of assistants, appropriating money for expenses, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof," having had the same under consideration, very respectfully report the same back, and in view of the fact that House Bill No. 1, which your Committee has reported recommending that the same do pass, covers the same subject matter, and very largely in the same way, and secures all of the benefits to the State of Montana that would result from the favorable consideration

of House Bill No. 46, recommend that the further consideration of the same be indefinitely postponed.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Railroads and Transportation, to whom was referred House Bill No. 1, being a bill for an Act entitled, "An Act to create and establish a Board of Railroad Commissioners for the State of Montana, providing for the appointment and election of the members thereof, and defining their powers and duties; and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof," report that they have had the same under consideration and recommend that the same be amended as follows:

Amend by inserting in the first blank, the words "B. T. Stanton, of Gallatin County;" by inserting in the second blank, the words, "Nathan Godfrey, of Lewis and Clark County;" by inserting in the third blank, the words, "E. A. Morley, of Silver Bow County."

To amend, by striking from Section 1 of said Bill, from line 8 of said Section to the word "Each" of line 28, and substituting in lieu thereof the words, "The persons named herein as Commissioners shall serve until the first Monday in January, 1909, or until their successors are elected and qualified." "At the general election to be held in November, 1908, there shall be elected three Commissioners for said Board, one for a term of two years, one for a term of four years, and one for a term of six years, and until their successors are elected and qualified. Said Commissioners when elected will qualify at the time and in the manner provided by law, for other State Officers, and shall take office on the first Monday of January next after their election."

To amend by striking from Section 6, in line 1, the word "three" and substituting therefor the word "four;" also, to strike from line 2 of said Section the word "two" and insert in lieu thereof the word "three;" also, to strike out the word "each" in line 4, and to insert in lieu thereof the word "the."

Amend Section 7 by striking out the words "other than transportation."

To amend by inserting at the end of Section 16, two Sections to be numbered respectively Section 16A, and Section 16B, which read as follows:

Section 16A. The said Board or some members thereof, to be deputed by it, shall investigate and make inquiry into every accident occurring in the operation of any railroad in this State, resulting in death or injury to any person, of such gravity as to require the attention of a physician or surgeon, or in the destruction of property greater in value than Two Thousand Dollars. The testimony taken on any such hearing shall be transcribed and filed in the office of the Board.

Section 16B. It is hereby made the duty of every railroad company operating any line of railroad within this State, promptly upon the occurrence or in connection with the operation of its line within this State, of any accident such as is mentioned in the next preceding section, to report the same to the Board of Railroad Commissioners, in which report shall be stated the time and place of the accident, the names of the persons killed or injured, and the value of any property destroyed.

To amend by inserting in line 6, of Section 18, the word "to" after the words "in going."

To amend by substituting for Section 20, the following words: "Section 20. The Attorney General is hereby constituted the attorney and counsellor of said Board, and the County Attorney of every County in the State, shall, on the request and at the direction of the Attorney General, assist in all cases, proceedings and investigations undertaken by said Board under this law, in his own County; Provided, that said Board shall have power and authority to employ special counsel, with the consent and approval of the Attorney General, to assist in any case, matter, proceeding or investigation instituted under this law.

It is hereby made the duty of the attorney general, upon direction of said Board, and of the County Attorney of each County in this State, upon direction of the Attorney General, to institute and prosecute, and to appear and defend, any action or proceeding arising under the provisions of this law.

All suits and proceedings filed in any court of this State, under the provisions of this law, shall have precedence over all other business in such Court, save and except criminal business and original proceedings in the Supreme Court. The fees and expenses of additional counsel shall be fixed and determined by the State Board of Examiners, and allowed and paid as items of expense the same as other items of expenses of said Board of Railroad Commissioners."

Amend Section 27, line 6, by striking out "6" and inserting in lieu thereof "twelve."

To amend by inserting at the end of line 7 of Section 32, the words, "nor shall any Railroad Corporation;" in line 8 of said Section 32, strike out words, "or other corporation." Amend Section 32, by striking out the words, "said Commissioners and Secretary shall, when in the performance of their official duties only, have the right to pass free of charge on all railroads engaged in the transportation of freight and passengers within this State but." And changing the letter "n" in the word "no" to a Capital "N."

Amend by adding to Section 34, the following words: "The said report shall contain a statement as to the number of accidents investigated by the Board, as herein provided, and the number of persons killed or injured in them, and generally the causes of such accidents."

Amend by inserting in Section 35, line 12, after words "Title 11," the words, "Chapter 11." Amend, by adding to Section 35 the following words: "And upon complaint made and good cause shown, the Governor is authorized to suspend any Commissioner or Commissioners, and if in his judgment, the exigencies of the case require, the Governor is authorized to appoint temporarily some competent person, or persons, to perform the duties of such suspended Commissioner or Commissioners during the period of such suspension."

Amend, by striking from Section 37, line 1, the figures "\$40,000," immediately following the words, "The sum of," and inserting in lieu thereof the words and figures, "Fifty Thousand Dollars (\$50,000)."

And very respectfully recommend that the said Bill as amended, do

pass, and that the name of Weed of Lewis and Clark be added to that of Shaw and Tudor as one of the authors of said bill."

Report adopted.

Also:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 198, entitled "A Bill for an Act entitled, An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof," very respectfully report having had the same under consideration, together with House Bill No. 1, which has been this day reported back with the recommendation that it do pass, and House Bill No. 46, which has this day been reported back with the recommendation that it be indefinitely postponed because the subject matter thereof is fully covered by House Bill No. 1, and it appearing to your Committee that the same objects sought to be attained by House Bill No. 198, will be fully secured by the adoption of House Bill No. 1, recommend that the further consideration of this bill be indefinitely postponed.

Roll called on the adoption of report, and report was adopted by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Blake, Boorman, Brownlee, Cameron, Corby, Cummings, Decker, Farmer, Gerber, Goff, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McManus, Macaulay, Patten, Root, Scallon, Seidler, Shaw, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, and Mr. Speaker.—41.

Noes.—Blewett, Burke, Cluston, Duncan, Fisher, Longstaff, O'Connor, Sherman, Warren, Wilder and Wilham.—11.

Absent and not voting.—Bennetts of Silver Bow, Brewster, Campbell, Cato, Cutler, English, Greene, Kirwan, Leighton, Manchester, Maxwell, Miles, Morgan, McDonald, Potter, Powers, Ross, Selway, Swindlehurst, Thompson of Fergus, and Whiteside.—21.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 16, being "A bill for an Act to amend Section 448 of the Political Code of the State of Montana," beg leave to report that the bill be sent back to the House without recommendation, other than that it be placed on general file for consideration in the Committee of the Whole.

Report adopted.

Also:

Helena, Montana, February 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 98, entitled "An Act to regulate the sale, use and redemption of transportation tickets of common carriers, providing penalties for the violation thereof, and repealing Section 982 of Chapter IV, Title VIII, Part IV, of Division

I, of the Civil Code of Montana," beg leave to report as follows: That the said bill itself gives rise to some constitutional questions as to the right of the Legislature to provide regulations regarding contracts or tickets for interstate transportation; but in view of the nature of the questions and the state of authorities thereon, the Committee is of the opinion that it is advisable to leave these questions to be decided by the Courts, if the Legislature, in its wisdom, favors the passage of the bill.

Report adopted.

Also:

Helena, Montana, February 4, 1907.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 167, entitled A Bill for an Act to add a section to the Code of Civil Procedure of Montana, to be known as Section 644, and to provide a time within which summons and other process and orders must be filed after service," beg leave to report as follows: We recommend that the following amendments be made:

In Section 1, line 5, immediately before the word "the" insert the following: "It shall be the duty of."

Strike out the word "less" in line 9 of said Section and insert in lieu thereof the word "more."

Strike out the word "less" in line 11 and insert in lieu thereof the word "more."

Strike out at the end of Section 1 the following words: "Any failure to so file such due and legal return shall be sufficient ground for the quashing thereof and such service held void," and insert in lieu thereof the following, to-wit: "Any failure to make and file such return as herein required, may be punished as a contempt of court."

Strike out Section 2.

In Section three strike out the figure three and insert in lieu thereof the figure 2.

Strike out the title and insert in lieu thereof the following: "A bill for an Act to add to Chapter IV, Title V, Part I, Code of Civil Procedure a Section to be known as Section 644, providing the time within which returns on summonses and other processes and orders must be made and filed after service."

Report adopted.

Also:

Helena, Montana, February 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 77, being "An Act creating the Fourteenth Judicial District of the State of Montana, to be composed of the County of Ravalli, and providing for the appointment of a Judge thereof," beg leave to report that we recommend that the said Bill be indefinitely postponed."

Report adopted.

Also:

Helena, Montana, February 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No.

161, being a bill for "An Act to amend Section 66 of the Code of Civil Procedure of the State of Montana, respecting the civil jurisdiction of Justices of the Peace," beg leave to report as follows: We recommend that the bill be amended by striking out the word "conversion" in line 8 of Section one, and inserting in lieu thereof the word "conversation." That when so amended the bill do pass.

Report adopted.

Also:

Helena, Montana, February 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. One hundred and sixty-three, being a Bill for an Act entitled "An Act to amend Section 4658 of the Political Code of Montana, relating to witness fees of experts," beg leave to report that after a consideration thereof, we recommend that the said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 4, 1907.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 90, entitled "An Act to repeal Section 1313, Part II, Title X, Chapter III, of the Code of Civil Procedure of the State of Montana, and to provide for the recovery of the value of permanent improvements which have been placed upon real estate by persons in the possession thereof, and holding the same in good faith and under color of title," beg leave to report as follows: We have given to said bill a great deal of consideration and as there is a grave question in our minds as to the constitutionality of portions of said bill, we have agreed to recommend that it be sent back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 4, 1907.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 35, being a Bill for an Act entitled "An Act to amend House Bill No. 143 of the Session Acts of the Seventh Legislative Assembly of the State of Montana of the year 1901, being an Act entitled an Act to amend Section Thirty-two, Title one, Part one, Chapter Four, of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana, and to provide for an additional Judge for the Fourth Judicial District of the State of Montana," beg leave to report that we recommend that the said bill do pass.

Report adopted.

Motion by Allen, that Senate Bill No. 11, be withdrawn from the Judiciary Committee and referred to the Committee on Ways and Means. Motion carried by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cummings, Fisher, Goff, Hess, Hyndman, Kroger, Logan, Longstaff, Morris, McManus, Macaulay, O'Connor,

Patten, Scallon, Sherman, Towers, Tudor, Walker, Warren, Whiteside and Wilham.—32.

Noes.—Barbour, Cluston, Decker, Duncan, Farmer, Gerber, Gray, Griffin, Harbordt, Harden, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Root, Seidler, Shaw, Thompson of Sanders, Thompson of Fergus, Weed, Wendel, Wilder and Mr. Speaker.—24.

Absent and not voting.—Bennetts of Silver Bow, Campbell, Cato, Cutler, English, Greene, Kirwan, Leighton, Manchester, Maxwell, Miles, McDonald, Potter, Powers, Ross, Selway, and Swindlehurst.—17.

Mr. Speaker announced that he was about to sign House Bills Nos. 58, 72, 71 and 7, and signed the same in the presence of the House.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Appropriations, H. B. No. 206. A bill for an Act appropriating money for the payment of deficiency claims in maintenance of Capitol Building.

By Committee on Appropriation, H. B. No. 207. A bill for an Act appropriating money for the payment of deficiency claims account of Supreme Court.

By Committee on Appropriations, H. B. No. 208. A bill for an Act appropriating money for the payment of deficiency claim in connection with the office of Attorney General.

By Committee on Appropriations, H. B. No. 209. A bill for an Act appropriating money for the payment of deficiency claims in connection with the Meat and Milk Inspector's office during 1905 and 1906.

By Committee on Appropriations, H. B. No. 210. A bill for an Act appropriating money for the payment of deficiency claims of the State Encampment of 1905 of the National Guard of Montana.

By Miller of Lewis and Clark, H. B. No. 211. A bill for an Act making towns and cities liable for all damages to persons, teams or vehicles passing over grade crossings of railroad tracks on generally travelled streets when the town or city council has not required the railroad company to keep a watchman at such crossings to warn persons of danger.

By Weed, H. B. No. 212. A bill for an Act to require an annual apportionment and accounting of surplus of Life Insurance Companies.

By Weed, H. B. No. 213. A bill for an Act relating to the provisions of Life Insurance Policies.

By Shaw, H. B. No. 214. A bill for an Act entitled "An Act appropriating the sum of Two Thousand Five Hundred Dollars, or so much thereof as may be necessary, for the erection of an addition to the power house in connection with the State Capitol Building for use as a cafe.

By Morris, H. B. No. 215. A bill for an Act entitled, "An Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof."

By Goff, H. B. No. 216. A bill for an Act to amend Sections 7, 11, 13, 15, 16, 18, 21, 35, 36 and 47, of "An Act to revise the laws in reference to the State Militia of the State of Montana and to repeal certain laws named in this Act," approved March 9, 1897, and providing for the appointment

of a Chief Clerk to the Adjutant General and a Military storekeeper and fixing salaries.

By Committee on Ways and Means, H. B. No. 217. A bill for an Act entitled, An Act to provide for the support of the Government of the State of Montana for the years 1907 and 1908.

By Duncan, H. B. No. 218. A bill for an Act entitled an Act to prevent the shooting or killing of grouse, prairie chicken, fool hen, sage hen, or pheasant, and to provide punishment for the violation of any of the provisions of this act.

By Duncan, H. B. No. 219. A bill for an Act to protect stockholders and other persons dealing with corporations in this State, and to provide punishment for the violation of any of the provisions of this Act.

By Gray, H. B. No. 220. A bill for an Act entitled "An Act to amend Section 1 of Chapter 37 of the Session Laws of 1905, being an Act entitled 'An Act to define lawful fences and to repeal Section 3250 of the Political Code and an Act approved March 16, 1901, entitled 'An Act to amend Section 3250, Chapter 13, Title V, Part 3, of the Political Code of the State of Montana, approved February 27, 1905.'"

By Corby, H. B. No. 221. A bill for an Act to add to Article VI, Chapter III, Title I, Part 3, of the Political Code, a Section to be numbered 428, providing for the cancellation by the State Auditor, at the expiration of a specified period, of all warrants returned or uncalled for.

By Whiteside, H. B. No. 222. A bill for an Act entitled "An Act concerning delinquent children or delinquent juvenile persons, defining same and providing for their apprehension, custody and disposition; the jurisdiction of courts and proceedings therein, and concerning the parents, guardians and other persons responsible for the custody, care, guidance, education and maintenance and control of such children, and providing for their punishment in cases of delinquency therein.

By Whiteside, H. B. No. 223. A bill for an Act concerning dependent and neglected children, and concerning the parents, guardians or other persons responsible for the custody, care, maintenance and support of such children, and their punishment for the neglect of such children.

By Tudor, by request, H. B. No. 224. A bill for an Act entitled "An Act prohibiting the use of automobiles on any public highway or road in the State of Montana and prescribing penalties.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 206, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 207, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 208, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 209, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 210, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 211, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 212, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 213, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 214, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 215, read first and second times by title only, and referred to Committee on Apportionment and Representation.

H. B. No. 216, read first and second times by title only, and referred to Committee on Military Affairs.

H. B. No. 217, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 218, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 219, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 220, read first and second times by title only, and referred to Committee on Agriculture and Horticulture.

H. B. No. 221, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 222, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 223, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 224, the House refused to consider, and was indefinitely postponed.

NOTICE OF BILL

By Wilder. A bill for an Act entitled An Act to amend Section 3780 of the Political Code, relating to County Board of Equalization.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Rules and Joint Rules, reported as follows:

Helena, Montana, February 4, 1907.

Mr. Speaker:

Your Committee on Rules and Joint Rules beg leave to report and recommend that the Joint Rules of the Senate and House of Representatives of the Eighth Legislative Assembly be adopted as the Joint Rules of the House and Senate of this Legislative Assembly.

Report adopted.

Bennet, from the Committee on Appropriations, reported as follows:
February 4, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 206, "An Act appropriating money for payment of deficiency claims in maintenance of Capitol Buildings," beg to refer same back with the recommendation that it be passed.

Report adopted.

Also:

February 4, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 208, "A bill for an Act appropriating money for the payment of deficiency claims in connection with the office of Attorney General," beg to refer same back with the recommendation that it be passed.

Report adopted.

Also:

February 4, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 209, "An Act appropriating money for the payment of deficiency claims in connection with the Meat and Milk Inspector's office during 1905 and 1906," report that it be sent back with the recommendation that it do pass.

Report adopted.

Also:

February 4, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 210, "An Act appropriating money for the payment of deficiency claims of the State Encampment of 1905 of the National Guard of Montana, recommend that it do pass.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:
Helena, Montana, February 4, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, to whom was referred House Bill No. 217, A Bill for an Act entitled an Act to provide for the support of the Government of the State of Montana for the years 1907 and 1908, beg leave to report the same back with the recommendation that it do pass.

Report adopted.

Bennett, from the Committee on Ways and Means, reported as follows:
February 4, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 207, "An Act appropriating money for the payment of deficiency claims account of Supreme Court," report that it be sent back with the recommendation that it do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Brewster, H. B. No. 225. A bill for an Act providing for the payment of certain expenses incurred by the Board of Stock Commissioners and the Board of Sheep Commissioners with relation to Bounty Fraud Cases and Bounty Supplies, from the Bounty Fund.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 225, read first and second times in full, and referred to Committee on Appropriations.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Executive Office, Helena, Montana, February 4, 1907.

To the Speaker of the House of Representatives, Helena Montana.

I have the honor to transmit herewith for your information a copy of a telegram received on the second instant from Henry E. Reed, director of exploitation of the Alaska-Yukon Pacific Exposition.

J. K. TOOLE, Governor.

Helena, Montana, Feb. 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the following Bills were received:

By Sanders. A bill for an Act to reapportion the representation of the State, and to fix the number thereof for each County.

By McCone. A bill for an Act to provide security to the public against errors, omissions, and defects in abstracts of title of real estate, and for the use of abstracts in evidence, and to provide a penalty for the violation thereof.

By Annin. A bill for an Act entitled, "An Act to provide for the apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

H. B. No. 5, by Miller of Park. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 110, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 111, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 112, by Committee on Appropriations. Referred to Committee on Finance and Claims.

S. B. No. 53, by Donlan. A bill for an Act entitled "An Act to regulate the sale, and to prevent the adulteration of foods, drugs, medicines, and poisons, and prescribing penalties for the violations thereof." Referred to Committee on Agriculture and Manufacturers.

S. B. No. 54, by Miles. A bill for an Act entitled "An Act providing for the submitting to the qualified electors of the State of Montana, to prescribe the time and manner for electing County Superintendents of Schools." Referred to Committee on Education.

S. B. No. 55, by Romney. A bill for an Act entitled "An Act to em-

power the Montana State Board of Horticulture to establish a quarantine over any orchard or place where fruits are grown or kept, that is infected with any injurious disease or insect pest, empowering said Board to establish rules and regulations governing said quarantine, and fixing the penalty for the violation thereof, to provide for the collection of money expended by the said Montana State Board of Horticulture in the eradication of disease and the insect pests and fruit trees. Referred to Committee on Horticulture.

S. B. No. 56, by Donlan. A bill for an Act to create and establish a Board of Railroad Commissioners for the State of Montana, providing for the appointment of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act and penalties for the violation thereof." Read first and second times and referred to Committee on Railroads and Transportation.

S. B. No. 57, by Everett. A bill for an Act authorizing and empowering the Governor, and Secretary of State of the State of Montana to deed and convey to the United States of America certain lands granted to the said State by the United States of America by patent numbered 1, Montana Desert Land Segregation Date November 11th, A. D. 1907. Referred to Committee on Public Lands.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 32, 64 and 65 were read third time and concurred in and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 7, 14, and 20, were read third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Joint Memorial was this day introduced:

By Everett. Senate Joint Memorial No. 1, memorializing the Congress of the United States to provide for the allotment of Indian Lands and to open the Blackfoot Reservation to settlement. Read first and second times and referred to Committee on Federal Relations.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the President this day appointed Martien, McDonnell and Albright to confer with a like Committee from the House to prepare and present a bill providing for the proper distribution of the money received from the United States, on account of Forest Reserve Fees.

Respectfully,

H. K. HOWRY, Secretary.

COMMUNICATIONS AND PETITIONS.

A communication, accompanied by resolutions from Convention of Mayors was read. Mr. Speaker announced that he would segregate same and refer to proper committees.

THIRD READING OF SENATE BILLS.

Senate Bill No. 9, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Gray, Griffin, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Root, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—54.

Noes.—None.

Absent and not voting.—Barbour, Cato, Corby, English, Greene, Harbordt, Harden, Kirwan, Manchester, Maxwell, Miles, McDonald, O'Connor, Potter, Powers, Ross, Selway, Swindlehurst and Thompson of Fergus.—19.

Title agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 49, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Griffin, Hess, Hyndman, Kroger, Logan, Longstaff, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Root, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Wilham, and Mr. Speaker.—51.

Noes.—Gray and Harbordt.—2.

Absent and not voting.—Cato, Corby, English, Greene, Harden, Kirwan, Leighton, Manchester, Maxwell, Miles, McDonald, O'Connor, Powers, Potter, Ross, Scallon, Selway, Swindlehurst, Warren and Whiteside.—20.

Title agreed to.

House Bill No. 67, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Mar-

shall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Root, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham.—53.

Noes.—None.

Absent and not voting.—Cato, Corby, Cummings, English, Greene, Gray, Kirwan, Manchester, Maxwell, Miles, McDonald, O'Connor, Potter, Powers, Ross, Scallon, Selway, Swindlehurst, Warren and Mr. Speaker.—20.

Title agreed to.

House Bill No. 84, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McManus, Macaulay, Patten, Root, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker pro tem.—53.

Noes.—None.

Absent and not voting.—Cato, Corby, English, Goff, Greene, Gray, Kirwan, Manchester, Maxwell, Miles, Morgan, McDonald, O'Connor, Potter, Powers, Ross, Scallon, Selway, Swindlehurst and Mr. Speaker.—20.

Title agreed to.

House Bill No. 104, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Farmer, Fisher, Gerber, Goff, Griffin, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Marshall, Miller of Park, Moore, Morgan, Morris, Macaulay, Patten, Seidler, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker pro tem.—48.

Noes.—Duncan, Miller of Lewis and Clark, McManus, O'Connor, Root and Weed.—6.

Absent and not voting.—Cato, Corby, English, Greene, Gray, Harbordt, Kirwan, Manchester, Maxwell, Miles, McDonald, Potter, Powers, Ross, Scallon, Selway, Shaw, Swindlehurst and Mr. Speaker.—19.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 4, 1907.

Mr. Speaker:

Your Committee on Printing beg leave to report that House Bills Nos. 172, 12, 133, 134, 37, Substitute for 23, and 127, have been correctly printed.

Bennett, from the Committee on Appropriations, reported as follows:

February 4, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bills

Nos. 19 and 44, entitled: "An Act to authorize the construction of a Hospital Building at the Montana State Soldiers' Home; to provide for a heating plant for the heating of all buildings at said Montana State Soldiers' Home including said Hospital Building; to provide for the improvement of the cemetery grounds and the erection of a central monument in said cemetery of the Montana State Soldiers' Home." and

A bill for an Act entitled "An Act to authorize the construction, furnishing and equipment including plumbing, and architect's fees, at the Montana Soldiers' Home at Columbia Falls; to provide for the heating plant for the heating of all buildings at said Soldiers' Home, including said Hospital Building; to provide for the improvement of a cemetery ground, and the erection of a central monument in said cemetery of Montana Soldiers' Home, and appropriating money therefor."

Beg to report same back with a Substitute Bill, and recommend that said Substitute Bill be passed, and that House Bills Nos. 19 and 44 be indefinitely postponed.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee on the Whole, having had under consideration House Bill No. 126, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 82, introduced by Morris, reports same back to the House with the recommendation that it do pass as amended, as follows: Amend Section 2 by inserting after the word "person," in line 23 of said Section, the words "from said fire department;" in line 28 of said Section, after the word "person" insert the words "from his department."

Also having had under consideration House Bill No. 130, introduced by C. B. Miller, reports same back to the House with the recommendation that it do pass, as amended, as follows:

Amend Section 1, by striking out in line 49 the words "Three Hundred and fifty," and inserting in lieu thereof the words: "Four Hundred;" and adding the following: "Travelling expenses of Deputy State Veterinary Surgeon, Three Hundred Dollars; For salary of Stenographer to same, Three Hundred Dollars."

Also amend Section 1, by adding the following: "For the expenditure of the Board of Administration of Farmers' Institutes, Two Thousand Dollars."

Also having had under consideration Substitute for House Bill No. 45, introduced by Whiteside, reports same back to the House with the recommendation that, as amended, it be re-referred to Printing Committee, as follows:

Amend the title by inserting after the word "of" in line 2, the words, "a Board of;" also by inserting after the word "compensation" in line 3,

the words "and making it penal for any such Director to be interested in any contract let by such Board."

Amend Section 3 by striking out all of said Section and inserting in lieu thereof the following:

"SECTION 3. Upon such hearing of said petition the Board of County Commissioners shall determine whether or not said petition complies with the requirements of Sections 1 and 2 of this Act, and for that purpose must hear all competent and relevant testimony offered in support or in opposition thereto. If it is found by the Board that such petition does not substantially comply with the requirements herein, or that the facts herein stated are not sustained by the evidence, then said board shall disallow said petition and shall make and enter an order to that effect; but if it is found that said petition substantially complies with the requirements of this Act and that the facts therein stated are sustained by the evidence at such final hearing, then said Board of County Commissioners shall make and enter an order that an election shall be held in said district for the purpose of determining whether or not the same shall be organized under the provisions of this Act and for the election of three directors as hereinafter provided. Said final order of the Board allowing said petition shall contain an accurate description of each tract of land included within said district and no other boundaries of said district need be made. Said Board shall also, in said order allowing said petition, divide said district into three divisions as hereinafter provided."

Amend Section 5, lines 59 and 60, by striking out the following: "boundaries of the proposed district are defined and established," and inserting in lieu thereof the following: "petition is granted."

Amend Section 4, line 43 and line 44, by striking out the following: "who is a party to the record," and inserting in lieu thereof the following: "or whose rights or property is affected by the action of said Board of County Commissioners. Such appeal shall be instituted and conducted in all manner as an original action."

Amend Section 6 by striking out all of said Section and inserting in lieu thereof the following:

"SECTION 6. Said Board of County Commissioners shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this Act, and for the election of three directors. Such notice shall not be published for at least ten days after the making of such original order by the Board allowing said petition, and if any appeal is taken within said ten days, said notice shall not be published until the final determination of said cause on appeal when said Board of Commissioners shall then fix the day of election and cause the publication of such notice. Such notice shall describe the boundaries so established and shall designate a name for the proposed district, and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the County in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. The Board of County Commissioners shall furnish ballots on which shall be printed the words

"Irrigation District—Yes," and "Irrigation District—No," or words equivalent thereto, and also the names of persons to be voted for at said election. For the purpose of said election the Board of County Commissioners must establish a convenient number of election precincts in said proposed district, and define the boundaries of the same. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the State and judges and clerks shall receive the same compensation allowed by law in regular elections."

Amend Section 8, line 81, by striking out the words "person or persons" and inserting in lieu thereof the word "taxpayer."

Amend Section 9 by adding the following: "but for all such expenditures the County shall be reimbursed by the district as hereinafter provided."

Amend Section 11, line 101, after the word "vote" by inserting the following: "together with the number of votes cast by each person."

Amend Section 12, line 103, by striking out the word "except" and inserting after the word "instruments" the words "except evidence of title."

Amend Section 13, line 113, by adding the following: "and after the collection of said taxes the amount expended by the Board of Commissioners in conducting any such district elections shall be repaid to the County from the funds belonging to such district."

Amend Section 14, line 120, by inserting after the word "district" the words "as theretofore defined."

Amend Section 19, line 152, by striking out the words "such director" and inserting in lieu thereof the words "the appointee."

Amend Section 25, line 214, by inserting after the word "thereof" the word "three."

Amend Section 27, line 232, by inserting after the word "and" the words "such election." Also by inserting in line 232 after the word "conducted" the following: "as provided in Sections 6 to 11, inclusive, of this Act. and."

Amend Section 31 by adding the following: "In all elections after the organization of a district has been completed, the board of directors shall provide the ballots and arrange all the details of such election."

Amend Section 32, line 279, by striking out the word "such" and inserting in lieu thereof the word "his;" and after the word "conviction," line 279, inserting the word "thereof."

Amend Section 33, line 291, by striking out the word "or" and inserting in lieu thereof the word "and."

Amend Section 36, line 312, by striking out the words "land owners to represent" and inserting in lieu thereof the following: "holders of title or evidence of title, such holders of title, or evidence of title representing;" also amend Section 36, line 312 by striking out the words "a majority" and inserting in lieu thereof the words "two thirds."

Strike out all of Section 43 and insert in lieu thereof the following:

"SECTION 43. Any lands already under irrigation either from the same or another source may be included in any district either at the time of the organization of such district or at any time thereafter and such lands shall be entitled to receive and shall be given the same amount of water necessarily used on said lands prior to the construction of such district works, and the canals, ditches, flumes, dams or other works previously used

to irrigate such lands may be used or supplanted either wholly or in part by the district works, provided, however, that the owner of such lands, canals, ditches, flumes, dams or other works, shall be entitled to compensation for any and all damage sustained by reason of the appropriation of the same or by the construction of said district works. Wherever any canal constructed by the district crosses one or more creeks, the waters of which are used to irrigate land lying below such canal, the district shall have the right to supply such lands below the canal, whether such lands are included in the district or not, with water from the canal and the owner or lessee of such land shall in such case be furnished with the same quantity of water as that to which he would be entitled out of the creek had the district works not been built. The district shall have the right to take possession of the water so replaced and shall have the same right to such water as the owner of the land had, and the district shall also have the right to change the point of diversion and to sell, lease or use such water on any land either above or below the canal and such change of point of diversion or selling or using shall not prejudice the right of the district to the water and shall not increase the rights of any other water-right on the creek. The Board of Directors shall have and is hereby given the right to include any lands in the district either by an extension of the district as provided in Section 36 of this Act, or by proceedings instituted in the district court having jurisdiction, but nothing herein contained shall be deemed to authorize such district to appropriate or damage any lands or other property or to interfere with any vested right without first having acquired the right to do so in the manner provided by law for the taking of private property for public use."

Amend Section 44, line 367, by striking out the word "such" and inserting in lieu thereof the word "the;" also by inserting after the word "works," line 368, the words "irrigating the same."

Amend Section 45, line 378, by inserting after the word "the" the word "irrigable."

Amend Section 48, line 406, by striking out the following words "and grant the privileges aforesaid." Also amend line 410, Section 48, by inserting after the word "land" the following "for public use. But nothing herein contained shall require the payment to the State, or any sub-division thereof, of any sum for the right to occupy or cross any public highway with any such works."

Amend Section 52 by striking out all of said Section, and inserting in lieu thereof the following:

"SECTION 52. For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this Act, the Board of Directors of any such district may at any time call a special election, at which shall be submitted or may submit at any regular district election to the electors of such district, possessing the qualifications prescribed by this Act, the question whether or not the bonds of said district in the amount as set forth in said petition shall be issued. At such election each elector shall be entitled to cast the number of votes as provided in Section 10 of this Act. Notice of such election must be given by posting in three public places in each election precinct in said district for at least twenty days, and also by publication

of such notice in some newspaper published in the county where the office of the Board of Directors of such District is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this Act governing the election of officers; provided that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," and "Bonds—No," or words equivalent thereto. The result of such election shall be declared and entered of record on the minutes of the board of directors. If the majority of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued. In the event that said bonds are voted and issued, the board of directors shall enter on its records at length all facts in relation to said election and the notices thereof and a copy of the minutes of said board pertaining to said election duly verified by the President and Secretary shall be filed for record in the office of the County Clerk and such record shall be accepted in any court in this State as establishing prima facie the facts therein contained."

Amend Section 58, line 479, by striking out the word "expended" and inserting in lieu thereof the words "paid out."

Amend Section 61 by adding the following: "except that the words "first extension" (or if more than one issue of such bonds are voted, the word "first" shall be changed to correspond with the number of the extension) shall be printed on the face of such bonds."

Strike out all of Section 64 and insert in lieu thereof the following:

"SECTION 64. Any party interested shall have and is hereby granted the right to institute and maintain action in the district court of the county in which the land or property affected is situated for the purpose of having reversed, modified, changed or set aside any order or act of the Board of Directors in any manner whatsoever. If such land affected by such order is situated in more than one County then action shall be brought in the County where the owner thereof resides, or if he resides in neither of said Counties, then said action shall be brought in the County containing the greater portion of the land affected. If more than one action shall be pending at the same time involving the same questions, such actions may, in the discretion of the court, be consolidated and tried together.

Strike out all of Section 65 and insert in lieu thereof the following:

"SECTION 65. The Board of Directors shall annually assess all lands in the district fixing the value of each particular tract according to the value of such tract for irrigation irrespective of improvements and such valuation for irrigation shall be fixed according to the increased value of such tract by reason of such irrigation as compared to other irrigated lands in the district."

Amend by inserting three new sections between Sections 65 and 66, as follows:

Section 66. The annual assessment of all district lands shall be completed on or before the second Monday in July of each year and the Board of Directors shall within ten days thereafter fix the levy for all district pur-

poses and such levy shall be divided as follows: To pay general and administrative expenses of the district including expenses of the first election and all warrants outstanding for preliminary work. To pay any special assessment theretofore ordered at any district election. To pay all charges for maintenance and repairs. To pay interest on bonds and for a sinking fund to redeem such bonds.

Section 67. All lands in each district shall pay at the same rate for all purposes for which such lands are chargeable and the total amount to be paid by each tract shall be in proportion to the assessed value of such tract as fixed by the Board of Directors.

Section 68. The Board of Directors of each district shall mail to each assessment payer in the district not later than the first Monday in August a notice of the amount to be paid by such assessment payer for all purposes, and the books and records of the district showing all assessments and the amount charged against each person or tract of land shall be open at all reasonable hours to the inspection of every assessment payer of the district."

Amend Section 75, line 586, by striking out the word "constructive" and inserting in lieu thereof the word "construction."

Amend Section 81, line 631, by inserting after the word "shall" the word "be."

Amend Section 87, line 663, by striking out the words "by either party."

Insert a new Section after Section 89 as follows:

"Section 89½. All books, accounts, records, contracts, securities and business of every kind pertaining or belonging to any district shall be subject to examination by the State Examiner and it is hereby made his duty to examine the same as provided by law for the examination of County Offices."

Amend Section 90, line 673, by striking out the following words: "except as herein specifically provided" and inserting in lieu thereof the following: "Until after such lands shall come into private ownership as herein after provided." Also amend line 676 by striking out the word "to" and inserting in lieu thereof the word "shall." Also amend line 677 by striking out the word "to" and inserting in lieu thereof the word "shall."

Amend by re-numbering all Sections consecutively as amended.

On motion of Tudor, at 5:35 P. M., the House adjourned to meet tomorrow at 9:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRTIETH DAY

Tuesday, February 5, 1907.

House met pursuant to adjournment at 9:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, Farmer, Long-

staff, Miles, Morris, Potter, Powers, Selway and Towers. Cato and Farmer excused.

COMMUNICATIONS AND PETITIONS.

A petition of three hundred residents of Sanders County, relative to the change of the boundary of said County, was received and read. Referred to Committee on Townships and Counties.

NOTICES OF BILLS.

By Hess. A bill for an Act to repeal Section 4049 of the Political Code, and to enact in lieu thereof a Section to be numbered 4049 of Political Code, providing for a lien on property used in any trade, occupation or business, for which a license is required and for the seizure and sale of such property upon default in payment of such license.

By Allen. A bill for an Act entitled, An Act to submit to the qualified voters of the State of Montana, at the next general election an amendment to Section 9, Article 12, of the Constitution of the State of Montana, providing for an increase in the rate of taxation on real and personal property for state purposes.

By Weed. A bill for an Act to provide for the admission of Mutual, Hail, Cyclone and Tornado Insurance Companies or Associations organized under the laws of another State.

By McManus. A bill for an Act appropriating money for the Montana State School of Mines.

By Gray. A bill for an Act providing for the establishment of a Fish Hatchery at Great Falls, and making an appropriation therefor.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Weed, H. B. No. 226. A Bill for an Act to provide certain requirements of Life Insurance Companies organized in the State of Montana, and also relating to the admission of Life Insurance Companies organized in another State and applying to transact business in this State.

By Weed, H. B. No. 227. A bill for an Act to amend Section 411 of the Civil Code of Montana, relating to the making and filing of Articles of Incorporation of domestic corporations.

By Miller of Park, H. B. No. 228. A bill for an Act entitled "An Act to amend Sections 132 and 134 of the Civil Code of the State of Montana, and to amend Article II of Chapter II, of Title I, of Division I, of said Civil Code, by adding thereto a Section to be numbered Section 147, which Section 147 defines Incompatibility of Temper as cause for divorce."

By Miller of Park, H. B. No. 229. A bill for an Act to amend Section 307 and Section 1503 of the Code of Civil Procedure of the State of Montana, relating to appearances in Justices' Courts.

By Duncan, H. B. No. 230. A bill for an Act entitled an Act to amend Section 3866 of the Civil Code of the State of Montana, relating to the renewal of Mortgages of Personal property, as amended by Chapter IV, Laws of 1903, approved March 4, 1903, and as amended by the Act of the Legislative Assembly of the State of Montana, approved February 28, 1905; and to amend Section 3865 of the Civil Code of the State of Montana, re-

lating to the period of time for which mortgages of personal property shall be valid.

By McManus, H. B. No. 231. A bill for an Act appropriating money for the Montana State School of Mines, located at Butte, Montana, for the erection and equipment of a boiler plant and of a metallurgical plant for said school,

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 226, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 227, read first and second times by title only, and referred to Committee on Corporations Other than Municipal.

H. B. No. 228, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 229, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 230, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 231, read first and second times in full, and referred to Committee on Appropriations.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Your Committee of the Whole, having had under consideration House Bill No. 22, introduced by McDonald, reports same back to the House with the recommendation that it do pass as amended, as follows: Amend the title of the said bill by making it conform to the following: "A bill for an Act entitled "An Act to create a disability fund in cities and towns of the State of Montana, having a paid fire department, for the benefit of firemen disabled in the line of duty; authorizing cities and towns to levy an annual tax for the maintenance of such fund; providing for the organization, government and control thereof, and providing penalties for any violation thereof; and to repeal Sections 8 and 9 of House Bill No. 17 of the Session Laws of 1899 of Montana, entitled, "An Act to provide for the organization, government and control of a fire department for cities and towns, regulating appointments thereto and providing for the creation of a disability fund for the care and maintenance of firemen disabled in line of duty, and to punish frauds thereon," approved March 7th, 1899; and to repeal Chapter CXIII of the Session Laws of 1903 of Montana, relating to the payment of taxes received from Fire Insurance Companies, corporations and associations doing business in the State of Montana, to the maintenance of fire departments, approved March 7th, 1903."

Amend Section 5 by adding the following: "The city or town Council may provide for the investment of all or any part of said fund in bonds of the United States or of the State of Montana, or of the particular city or town in which such fund exists and for the sale of such bonds when desir-

able. All such bonds shall be deemed part of the city treasury, and the Treasurer shall be responsible therefor in the same manner as for the moneys of the fund."

Strike out Section 6 and insert in lieu thereof the following: "Section 6. Said fund shall not be used for any purpose whatsoever, other than the relief of firemen of such city or town, who may be disabled in the line of duty in such fire department; nor shall this act render the city or town liable for such disability, but such fund shall be and remain a fund in such city or town treasury, to be drawn upon by the warrant of the mayor, countersigned by the clerk, in such sum as may be allowed under the provisions of Section 7 of this Act, for the relief of disabled firemen, until such fund be exhausted, when no further warrant thereon shall be issued."

Strike out Section 7 and insert in lieu thereof the following: "Section 7. Benefits shall only be allowed on the recommendation of the Board of Trustees, or the majority thereof, approved by the city or town council. Whenever the Board of Trustees shall recommend to the council the payment of any benefit to any member of such fire department, disabled in the line of duty, the recommendation shall be in writing, stating the name of the beneficiary, the character of the disability, when, where and how received, and the amount to be paid to such beneficiary. The benefit paid to any member of such fire department who may be disabled in the line of duty shall be at least a sum equal in amount to the loss of salary and reasonable cost of medicine or medical services incurred by such member on account of said disability, and in the event of any member of said fire department becoming disabled or maimed for life, or shall suffer death in the line of said duty, the board of trustees may, subject to the approval of the Council in each instance, make a suitable allowance to the said member or his heirs. It shall be the duty of the City or Town Council to provide by ordinance, a scale of maximum allowances before any benefit can be allowed, and the same shall not be exceeded by the Board."

Also having had under consideration House Bill No. 48, introduced by Miller of Park, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 52, introduced by Morgan, reports same back to the House with the recommendation that it be re-referred to Committee on Townships and Counties.

Also having had under consideration House Bill No. 73, introduced by Marshall, reports same back to the House with the recommendation that it do pass as amended, as follows: Amend the title of said bill by striking out the words "owned by him at the time."

Also having had under consideration House Bill No. 79, introduced by Towers, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 89, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 107, introduced by Walker, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 154, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 173, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Senate Bill No. 4, introduced by Edwards, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 16, introduced by Shaw, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1, by striking out in line 8, the words "Secretary of State," and inserting in lieu thereof the word "Governor;" in line 9 strike out the words "one newspaper," and insert in lieu thereof the words "two daily newspapers;" also add to the said Section, on line 10, the words "and belonging respectively to two different political parties at rates not exceeding sixty per cent of the maximum rates now allowed by law, and he shall determine beforehand how much space shall be taken in the said papers for said report."

Report adopted.

COMMUNICATIONS AND PETITIONS.

A petition from the Women's Club of Butte, relating to Juvenile Courts, was received and read, and referred to Judiciary Committee.

NOTICES OF BILLS.

By Wendel. A bill entitled, "A bill for an Act to amend Bill No. 203, entitled: "An Act to amend Section 4800 of the Political Code, relative to Legislative Powers of Cities, and to enable cities and towns to acquire, by purchase, construction or condemnation proceedings, water plants, water supplies, franchises, public buildings and sewers." approved the 8th day of March, 1897; by eliminating therefrom that portion of Paragraph 64 thereof declared unconstitutional by the Supreme Court of the State of Montana.

By Wilder. A bill for an Act entitled, An Act to impose a license tax on companies operating sleeping or parlor cars.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were given:

By Long. A bill creating the office of State Fire Warden, making the State Fish and Game Warden Ex-officio State Fire Warden, providing for the appointment of two deputy fish and game wardens and prescribing their duties.

By Miles. A bill for an Act relating to internal improvements in cities and towns, and authorizing the issuance of special improvement district bonds in payment therefor and providing for the levy and collection of assessments to pay the bonds.

By Edwards. A bill for an Act entitled "An Act regulating and prescribing the manner of measuring hay in stack to determine tonnage."

Respectfully,

H. K. HOWRY, Secretary.

NOTICE OF BILL.

By Seidler. A bill for an Act entitled, an Act providing for the establishment of wash houses at coal mines.

By Miller of Lewis and Clark, by request. A bill for an Act providing for the maintenance and care of indigent orphan children and foundlings and making appropriation for such purposes.

By McManus. A bill for an Act to create an immigration bureau.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

S. B. No. 58, by McCone. An Act to provide security to the public against errors, omissions, and defects in abstracts of title of real estate and for the use of abstracts in evidence and to provide a penalty for the violation thereof. Referred to Committee on Judiciary.

S. B. No. 59, by Romney. A bill for an Act entitled "An Act to provide for the care and maintenance of infirm pioneers of the State of Montana. Referred to Committee on Finance and Claims.

S. B. No. 60, by Annin. A bill for an Act concerning dependent and neglected children and concerning the parents, guardians or other persons responsible for the custody, care, maintenance and support of such children, and their punishment for the neglect of such children. Referred to Committee on Judiciary.

S. B. No. 61, by Annin. A bill for an Act entitled, "An Act concerning delinquent children or delinquent juvenile persons, defining same and providing for their apprehension, custody and disposition; the jurisdiction of Courts and Proceedings therein, and concerning the parents, guardians, and other persons responsible for the custody, care, guidance, education and maintenance and control of such children and providing for their punishment in cases of delinquency therein. Referred to Committee on Judiciary.

Respectfully, H. K. HOWRY, Secretary.

Helena, Montana, February 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the following bills were given:

By Everett. A bill fixing a maximum rate on coal hauled by railroads in this State and fixing a penalty for a violation thereof.

Respectfully, H. K. HOWRY, Secretary.
Helena, Montana, February 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 91, 92, 93, 94, 95 and 113 were this day introduced, and read first and second times and referred to Committee on Finance and Claims.

Respectfully,
H. K. HOWRY, Secretary.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Judiciary Committee, H. B. No. 232. A bill for an Act to amend Section 1080 of the Code of Civil Procedure of Montana and to repeal an Act approved February 15th, 1901, relating to method of procedure in the trial of civil actions and review by the Supreme Court of Errors in Instructions.

By Judiciary Committee, H. B. No. 233. A bill for an Act to amend Section 2070 of the Penal Code of Montana, and to repeal an Act approved February 15, 1901, relating to method of procedure in the trial of criminal actions.

By Judiciary Committee, H. B. No. 234. A Bill for an Act relating to Bills of Exceptions and Statements of the Case, providing that the exceptions of the prevailing party shall be incorporated therein, and providing for review by the Supreme Court on appeal of such exceptions and the orders and rulings relating thereto.

By Judiciary Committee, H. B. No. 235. A bill for an Act to amend Section 1172 of the Code of Civil Procedure of Montana; to amend Section 1173 of the Code of Civil Procedure of Montana, as amended by an Act of the Ninth Legislative Assembly entitled "An Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana," approved March 4, 1905, and to amend Sections 1174 and 1176 of the Code of Civil Procedure of Montana, relating to practice on motions for new trial.

By Judiciary Committee, H. B. No. 236. A bill for an Act to amend Section 637 of the Code of Civil Procedure of the State of Montana, relating to publication of summons.

By Judiciary Committee, H. B. No. 237. A Bill for an Act to amend Sections 1736, 1738 and 1739 of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court.

By Griffin, H. B. No. 238. A bill for an Act entitled, "An Act to amend Section 2 of an Act approved March 1st, 1905, entitled, An Act to repeal Sections 4, 6, 11, 12, 21 and 25 of House Bill No. 123, entitled, An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game, approved March 8th, 1897, and to also repeal Sections 1, 2, 3 and 5, of the said Act as amended by House Bill No. 13, Session Laws of 1901, approved March 14, 1901, and to provide further protection to birds, fish, fur bearing animals and game."

By Campbell, H. B. No. 239. A bill for an Act entitled, "An Act to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary to be expended in securing proper ventilating facilities for the State Capitol, and particularly for the Senate Chamber and the House of Representatives."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 232, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 233, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 234, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 235, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 236, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 237, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 238, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 239, read first and second times in full, and referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

Scallon, from the Judiciary Committee, reported as follows:

Helena, Montana, Feb. 5, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bills Nos. 232, 233, 234, 235, 236 and 237, beg leave to report that we have had the same under consideration, and recommend the same back to the House, recommending that the same do pass.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 5, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill 54 has been correctly printed.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 98, introduced by Hyndman, reports same back to House with the recommendation that it do pass.

Also having had under consideration House Bill No. 102, introduced by

Committee on Sanitary Affairs, reports same back to House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 12, introduced by Miller of Park, reports same back to House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 23, introduced by Committee on Privileges and Elections, reports same back to the House with the recommendation that it do pass as amended, and that Mr. Corby's name be inserted as the author of the bill instead of Committee on Privileges and Elections, and that it be re-printed as amended, as follows: Amend Section 1 by striking out in line 6, after the word "number" the figures "66666," and inserting in lieu thereof the words "number" Also in line 9, after the word "general" insert the words "or special."

Amend Section 1 by striking out in line 9 thereof the figure "0" after the figures "19."

Amend Section 2, by inserting in line 22, between the words "general" and "election" the words "or special."

Amend Section 3 by striking out in line 66 the word "Park."

Amend Section 4 by striking out in line 86, the word "of" where it occurs the second time, and inserting in lieu thereof the word "or." Also in line 91, strike out the word "in" and inserting in lieu thereof the word "for."

Amend Section 5 by inserting between the words "general" and "election" in line 96, the words "or special."

Amend Section 5, line 97, by inserting a comma after the word "assembly."

Amend Section 5, line 99, by inserting after the word "referendum" the words "(or in the petition or act)."

Amend Section 6, line 11, by inserting the following: "by marking his ballot with a cross in diagram opposite and to the left of the proposition for which he desires to vote."

Amend Section 7, by inserting after the word "general" in line 117, the words "or special."

Amend Section 7, by adding in line 125, after the word "regular," the words "or special."

Amend Section 8, by striking out in line 164 the words "some daily newspapers," and inserting in lieu thereof the words "two daily newspapers."

Also having had under consideration House Bill No. 37, introduced by Macaulay, reports same back to House with the recommendation that it do pass as amended, as follows:

Amend Section 1, line 1, by inserting after the word "person" the words "or corporation."

Amend Section 1, line 5, by inserting the word "a" before Henshall Paddle Wheel."

Amend Section 1, by striking out in line 14, the word "very" and inserting in lieu thereof the words "more than six feet."

Amend Section 2, by inserting in line 23, after the word "person" the word "corporation."

Add to the end of Section 2 the following: "provided there shall never

be any royalty or other charge for making and using the wheel above described."

Amend Section 3, line 28, by inserting after the word "wardens" the words "Deputy State Game and Fish Wardens."

Also having had under consideration House Bill No. 127, introduced by C. B. Miller, reports same back to House with the recommendation that it do pass.

Also having had under consideration House Bill No. 133, introduced by Committee on Appropriations, reports same back to House with the recommendation that it do pass.

Also having had under consideration House Bill No. 134, introduced by Shaw, reports same back to House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by striking out in line 5 the word "it" and inserting in lieu thereof the word "audit."

Also having had under consideration House Bill No. 172, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

House Bill No. 102 amended by striking out the word "while" in the title, and inserting in lieu thereof the word "when." Also amend Section 1 by striking out in line 4 the word "while" and inserting in lieu thereof the word "when."

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows.

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 54, introduced by Marshall, reports same back to House with the recommendation that the enacting clause be stricken out.

Report adopted.

Boorman, reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Monday, February 4, and believe same to be correct.

Report adopted.

On motion of Shaw, the House adjourned at 2:40 P. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRTY-FIRST DAY

Wednesday, February 6, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Barbour, Cato, Farmer, Morris, Potter, Selway and Wilham. Farmer excused.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of 5th February, 1907, and believe same to be correct.

Report adopted.

NOTICES OF BILLS.

By Hess. An Act entitled an Act to regulate plumbing in cities of the State of Montana, providing for the licensing of persons to carry on the business and work of plumbing, creating a board of plumbing examiners, fixing the compensation of plumbing examiners, and providing penalties for violation of the same.

By Boorman. A bill providing for the appointment of Commissioners to compile and arrange the Codes and Statutes of Montana and to prescribe their duties and power and to provide for their compensation.

By Seidler. A bill for an Act to provide for the appointment of a Clerk for the office of State Mine Inspector and State Coal Mine Inspector.

By Miller of Lewis and Clark. A bill for an Act to amend Sec. 1260 and repeal Sec. 1261 of Chapter 5, and to amend Sec. 1411 of Chapter 10, of the Political Code of the State of Montana, relative to Judges of Elections.

By Miller of Lewis and Clark. A bill for an Act to amend Sec. 353 of the Penal Code of the State of Montana.

By Kirwan. A bill for an Act entitled an Act to amend Section 4786 of the Political Code, relating to the duties of City Attorneys.

By Weed. A bill for an Act to amend Section 1 of an Act entitled "An Act to provide the conditions upon which foreign corporations may do business in this State and to repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana, approved March 9, 1901; and to add subdivision 7 to said Section 1, providing for the filing of alterations and amendments to the Charter or Articles of Incorporation of foreign corporations, and for the filing of certificates of increase of capital stock or continuance of corporate existence, and for the payment of fees therefor.

By Bennett. A bill for an Act defining the crime of burglary with explosives and fixing punishment therefor.

By Miller of Park. A bill for an Act entitled "An Act repealing Article XV, Chapter III, Part III, Title I, (Sections 580 to 590 inclusive) of the Political Code of the State of Montana; and providing for the qualification, appointment, salary and expense of the State Inspector of Mines and for the appointment, salary and expense of deputy mine inspector, providing

the inspection fees for the inspector of mines, and for the payment and collection of the same; and providing the duties of the state inspector of mines."

REPORTS OF STANDING COMMITTEES.

Scallon, from the Judiciary Committee, reported as follows:

Helena, Montana, Feby. 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 6, being a Bill for "An Act governing the manner of locating, recording and holding possession of mining claims upon the public domain of the United States within the State of Montana," beg leave to report as follows: We recommend that the said bill be amended in the following particulars: From the last line on page 1, to the 1st line of page 2, strike out the words "cut off four feet above the surface of the ground." On page three, change the period following the word "deficiency" to a semi-colon and add thereto the words: "but in every case at least 75 cubic feet of excavation shall be made at the point of discovery." In the section line from the bottom on page three after the word "one" and as a part of the sentence in which that word occurs, insert "or by an authorized agent." On the first line of page 4 add an additional sentence as follows: "When the verification is made by an agent, the fact of the agency shall be stated in the affidavit."

And when so amended that the said bill do pass.

Report adopted.

Also:

Helena, Montana, Feby. 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill 159, being a Bill for an Act entitled "An Act to amend Section thirty-one hundred and sixty two of the Code of Civil Procedure as the same was amended by an Act of the Fifth Legislative Assembly of the State of Montana, approved February 19th, 1897, relating to witnesses," recommend that the same do pass.

Report adopted.

Also:

Helena, Montana, Feby. 6, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 178, being a Bill for an Act entitled "A bill for an Act to provide for the payment of the actual necessary expenses of Judges of the District Court when holding court in his district in any county not the county of residence of such judge," beg leave to make report thereon, as follows: We recommend that the word "verified" in the last line of Section 1 be stricken out and the word "certified" inserted in the place thereof; and that with such amendment the said bill do pass."

Report adopted.

Ross, from the Committee on Labor, reported as follows:

Helena, Montana, Feb. 5, 1907.

Mr. Speaker:

We, your Committee on Labor, having had under consideration House

Bill No. 108, being a bill for an Act entitled "An Act to limit the hours of labor of telegraph operators, trick dispatchers, express messengers, baggagemen and fixing the penalties for violation of this Act, exempting co-employees from assuming liability by reason of working with fellow employees who may be employed in violation of this Act, and making all persons, corporations or companies, violating this Act liable for all damage resulting therefrom," report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted. House Bill No. 108 ordered printed.

Also:

Helena, Montana, Feb. 5, 1907.

Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 115, introduced by Corby, being a Bill for an Act entitled "An Act for the better protection of employees, and for preventing Superintendents, foremen, assistants, bosses, or any other person from receiving or soliciting any sum of money or other valuable consideration for or on account of employing, or continuing to employ any person, or promising or agreeing so to do, and providing penalties for violations of this Act," amend Section 2. line 11, by inserting after the word "testimony" the words "or evidence," reporting back to the House that the same do pass as amended.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 6, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 74, an Act entitled "An Act to authorize the erection and equipment of a building at the Montana Agricultural College and Experiment Station at Bozeman, Montana, for the use of the departments of Agriculture, Horticulture, Animal Husbandry, Veterinary and Domestic Science, and making an appropriation therefor," having had same under consideration, recommend that it do pass with the following amendments: Amend Section 1, line three, by striking out the words "and equipping" and inserting in lieu thereof the words "furnishing and completing."

Report adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, Feby. 6, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration House Bill No. 190, introduced by O'Connor by request, being a Bill entitled: "An Act entitled "An Act to amend Section 3960 of the Political Code of the State of Montana," beg leave to recommend that the Bill do not pass.

Also:

Helena, Montana, Feby. 6, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, which has had under consideration House Bill No. 50, entitled A bill for an Act repealing Sections 535 and 536 of the Penal Code of the State of Montana, and to enact other sections in lieu thereof, beg leave to report that a substitute for said Bill No. 50

was presented to your Committee by the Hon. P. H. Manchester, and after consideration of the original Bill and of the Substitute, your Committee recommends that the Substitute be passed and that the original bill be indefinitely postponed.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:
Helena, Montana, Feb. 5, 1907.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 60, being a bill for an Act entitled, An Act to repeal Sections 4060, 4061, 4064, 4070, 4072, 4073, 4074, 4075, 4076, 4078, 4079, 4080, 4081, and 4082, of the Political Code, relating to licenses of certain trades and occupations, beg leave to report same back to the House with the recommendation that it be indefinitely postponed for the reason that we have on this date recommended for passage Senate Bill No. 11, which includes the same provisions as said House Bill No. 60.

Report adopted.

Also:

Helena, Montana, Feb. 5, 1907.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration Senate Bill No. 11, being a Bill for an Act entitled, An Act to amend Section 4064 of the Political Code of the State of Montana, as said section is amended by House Bill No. 80 of the Seventh Legislative Assembly of Montana, approved March 4, 1901, and to repeal Sections 4072, 4060, 4073, 4076, 4078, and 4080, of the Political Code of Montana, and to repeal Sections 4075 of the Political Code of Montana, as amended by House Bill No. 162 of the Fifth Legislative Assembly, approved March 6, 1897, relating to merchants, professional and occupation licenses, beg leave to report same back to the House with the recommendation that it do pass."

Report adopted.

Also:

Helena, Montana, Feb. 5, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 145, being a Bill for an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various state educational institutions; and also to make whole the permanent funds of the various state educational institutions, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Helena, Montana, Feb. 5, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 174, being an Act entitled an Act providing for the redemption and payment of County, School District, City and Town bonds, held

by the State before maturity thereof, beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 81, being a bill for an Act entitled, "An Act to empower the city council, or corporate authorities of any City, Town or Village, to regulate the rates and charges to be allowed corporations or individuals for furnishing water, gas, or electricity to any such city, town or village, or the inhabitants thereof, and to fix the maximum rates therefor," beg leave to report that we have had said bill under consideration, and recommend:

1. That the words "corporate authorities" in the title of said bill, and also in Sections 1, 2 and 3, be amended to read "Legislative Bodies."

2. Also that the words "six per cent," in Section 1, be amended to read "seven per cent."

3. Also that the words "less a reasonable amount for depreciation," in Section 1, be stricken out.

4. Also that the word "original" be inserted before the word "cost" in Section 1.

5. Also that the words "investment or" before the word "plant" on the second line from the last on page 1 be stricken out.

6. That there be inserted between the said word "plant" and the word "nor," the words, "including renewals and extensions thereof on the value of the same if the value be less than the cost."

7. That the words "of investment" in Section 1 on first line on page 2 be stricken out, and the words "or value after allowing for operating expenses including a reasonable yearly allowance for maintenance" be substituted.

8. That after the words "binding contracts," in Section 1, there be inserted the words "or franchise."

We further recommend that the said Bill as so amended do pass.

Report adopted.

Harden from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 6th day of February, 1907:

House Bill No. 32, An Act to provide for the inspection of cattle to be removed from the State of Montana.

House Bill No. 64, An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans' Home at Twin Bridges, Montana.

Also:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 6th day of February, 1907:

House Bill No. 55, An Act authorizing the payment of certain claims for bounty and appropriating money from the State Bounty Fund for the payment thereof.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker:

The Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 201, recommend that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feby 6, 1907.

Mr. Speaker:

The Committee on Live Stock and Public Ranges having had under consideration House Bill No. 200, recommend that the same do pass as amended, as follows:

In Section 6, by striking out the first seven lines, and inserting in lieu thereof the words: "It shall be the duty of the railroad or transportation company to notify the State Veterinarian of proposed shipments and their destination, as soon as said railroad or transportation company is notified by the shipper."

In Section 7, lines 31 and 32, by striking out the words "bred to ewes, or allowed to run with other sheep," and in line 34, after the word "dipping," by inserting the words "And should said rams be allowed to run with other sheep before the expiration of ninety days, said sheep must be quarantined for a period which would complete the ninety days quarantine on the rams."

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 12, 16, 73, 79, 82, 89, 98, 102, 107, 126, 127, 130, 133, 154, 172 and 173, correctly engrossed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Miller of Lewis and Clark, by request, H. B. No. 240. A bill for an Act entitled "An Act providing for the maintenance and care of indigent orphan children and foundlings, and making an appropriation for such purpose."

By Committee on Judiciary, H. B. No. 241. A bill for an Act authorizing the appointment of a third assistant Attorney General, and authorizing the employment of an additional stenographer for the Attorney General's Office.

By Seallon, H. B. No. 242. A bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment to section 6 of article XVI of the Constitution of the State of Montana, relating to the terms of office of certain officers.

By Wendel, H. B. No. 243. A bill for an Act to amend House Bill No. 203, entitled: "An Act to amend Section 4800 of the Political Code, relative to Legislative powers of Cities, and to enable cities and towns to acquire, by purchase, construction, or condemnation proceedings, water plants, water supplies, franchises, public buildings and sewers," approved the 8th day of

March, 1897, by eliminating therefrom that portion of paragraph 64 thereof declared unconstitutional by the Supreme Court of the State of Montana.

By Whiteside, H. B. No. 244. A bill for an Act entitled "An Act to prohibit the giving of free tickets, free passes, or free transportation by common carriers in this State to certain public officials and to prohibit the giving or granting of franks or free privileges or special privileges by common carriers, express companies, telegraph companies and telephone companies to certain public officials and fixing the penalties for the violation thereof.

By Whiteside, H. B. No. 245. A bill for an Act entitled "An Act to provide for party nominations by direct vote."

By Hess, H. B. No. 246. A Bill for an Act to repeal Section 4040 of the Political Code, and to enact in lieu thereof a Section to be numbered 4049 of the Political Code, providing for a lien on property used in any trade, occupation or business for which a license is required and for the seizure and sale of such property upon default in payment of such license.

By Weed, H. B. No. 247. A bill for an Act to provide for the admission of Mutual Hail, Cyclone and Tornado Insurance Companies or Associations organized under the laws of another State.

By McManus, H. B. No. 248. A bill for an Act entitled, "An Act to create an Immigration Bureau for the State of Montana; to provide for the management and control of the same; to appropriate money for the maintenance thereof; to permit County Commissioners to participate in Immigration work and appropriate County Funds therefor."

By Weed, H. B. No. 249. A bill for an Act to authorize and empower foreign corporations to exercise the right of eminent domain in Montana.

By Miller of Park, H. B. No. 250. A bill for an Act entitled "An Act to amend an Act approved March 18, 1901, entitled "An Act creating the office of Inspector of Coal Mines, defining his duties, and providing for his salary and providing penalties for the violation thereof;" creating the office of Coal Mine Inspector and making the Coal Mine Inspector 'Ex-officio' the sealer of weights and measures for coal mines, and providing for his removal from office for cause; also providing for the payment of fees for inspecting coal mines and inspection of coal mine scales;" Also defining the duties of said Coal Mine Inspector, providing for his salary and providing penalties for the violation thereof.

By Allen, H. B. No. 251. A bill for an Act entitled an Act to provide that the Board of County Commissioners of each county in the State, shall pass a resolution to be known as the Annual Appropriation Resolution; provide for a tax levy; to provide for each county officer to file with the said Board an estimate of their annual expenses for the fiscal year; and to provide a county fiscal year.

By Miller of Park, H. B. No. 252. A Bill for an Act providing that all graduates of the University of Montana, who have completed a certain amount of work in the Department of Psychology and Method, shall be entitled to teach in the public schools of the State without other or further examination.

MOTIONS AND RESOLUTIONS.

House Joint Memorial No. 2, Introduced by Allen.

Whereas, That owing to the San Francisco earthquake and fire the firm

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker:

The Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 201, recommend that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feby 6, 1907.

Mr. Speaker:

The Committee on Live Stock and Public Ranges having had under consideration House Bill No. 200, recommend that the same do pass as amended, as follows:

In Section 6, by striking out the first seven lines, and inserting in lieu thereof the words: "It shall be the duty of the railroad or transportation company to notify the State Veterinarian of proposed shipments and their destination, as soon as said railroad or transportation company is notified by the shipper."

In Section 7. lines 31 and 32, by striking out the words "bred to ewes, or allowed to run with other sheep," and in line 34, after the word "dipping," by inserting the words "And should said rams be allowed to run with other sheep before the expiration of ninety days, said sheep must be quarantined for a period which would complete the ninety days quarantine on the rams."

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 12, 16, 73, 79, 82, 89, 98, 102, 107, 126, 127, 130, 133, 154, 172 and 173, correctly engrossed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Miller of Lewis and Clark, by request, H. B. No. 240. A bill for an Act entitled "An Act providing for the maintenance and care of indigent orphan children and foundlings, and making an appropriation for such purpose."

By Committee on Judiciary, H. B. No. 241. A bill for an Act authorizing the appointment of a third assistant Attorney General, and authorizing the employment of an additional stenographer for the Attorney General's Office.

By Scallon, H. B. No. 242. A bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment to section 6 of article XVI of the Constitution of the State of Montana, relating to the terms of office of certain officers.

By Wendel, H. B. No. 243. A bill for an Act to amend House Bill No. 203, entitled: "An Act to amend Section 4800 of the Political Code, relative to Legislative powers of Cities, and to enable cities and towns to acquire, by purchase, construction, or condemnation proceedings, water plants, water supplies, franchises, public buildings and sewers," approved the 8th day of

March, 1897, by eliminating therefrom that portion of paragraph 64 thereof declared unconstitutional by the Supreme Court of the State of Montana.

By Whiteside, H. B. No. 244. A bill for an Act entitled "An Act to prohibit the giving of free tickets, free passes, or free transportation by common carriers in this State to certain public officials and to prohibit the giving or granting of franks or free privileges or special privileges by common carriers, express companies, telegraph companies and telephone companies to certain public officials and fixing the penalties for the violation thereof.

By Whiteside, H. B. No. 245. A bill for an Act entitled "An Act to provide for party nominations by direct vote."

By Hess, H. B. No. 246. A Bill for an Act to repeal Section 4049 of the Political Code, and to enact in lieu thereof a Section to be numbered 4049 of the Political Code. providing for a lien on property used in any trade, occupation or business for which a license is required and for the seizure and sale of such property upon default in payment of such license.

By Weed, H. B. No. 247. A bill for an Act to provide for the admission of Mutual Hail, Cyclone and Tornado Insurance Companies or Associations organized under the laws of another State.

By McManus, H. B. No. 248. A bill for an Act entitled, "An Act to create an Immigration Bureau for the State of Montana; to provide for the management and control of the same; to appropriate money for the maintenance thereof; to permit County Commissioners to participate in Immigration work and appropriate County Funds therefor."

By Weed, H. B. No. 249. A bill for an Act to authorize and empower foreign corporations to exercise the right of eminent domain in Montana.

By Miller of Park, H. B. No. 250. A bill for an Act entitled "An Act to amend an Act approved March 18, 1901, entitled "An Act creating the office of Inspector of Coal Mines, defining his duties, and providing for his salary and providing penalties for the violation thereof;" creating the office of Coal Mine Inspector and making the Coal Mine Inspector 'Ex-officio' the sealer of weights and measures for coal mines, and providing for his removal from office for cause; also providing for the payment of fees for inspecting coal mines and inspection of coal mine scales;" Also defining the duties of said Coal Mine Inspector, providing for his salary and providing penalties for the violation thereof.

By Allen, H. B. No. 251. A bill for an Act entitled an Act to provide that the Board of County Commissioners of each county in the State, shall pass a resolution to be known as the Annual Appropriation Resolution; provide for a tax levy; to provide for each county officer to file with the said Board an estimate of their annual expenses for the fiscal year; and to provide a county fiscal year.

By Miller of Park, H. B. No. 252. A Bill for an Act providing that all graduates of the University of Montana, who have completed a certain amount of work in the Department of Psychology and Method, shall be entitled to teach in the public schools of the State without other or further examination.

MOTIONS AND RESOLUTIONS.

House Joint Memorial No. 2, Introduced by Allen.

Whereas, That owing to the San Francisco earthquake and fire the firm

of Bancroft, Whitney and Company, Law Book Publishers, who have published the Montana Reports, suffered the loss of the plates and manuscripts to Volumes 8 to 32, and have on hand a number of Volumes 1 to 7, and

Whereas, the Secretary of State has on hand a number of copies of Volumes 8 to 32, and

Whereas, The said Bancroft, Whitney and Company have offered to exchange copies of Volumes 1 to 7 for copies of Volumes 8 to 32,

Therefore Be It Resolved, the Senate concurring, that the Secretary of State be, and is hereby authorized to make such exchanges as in his judgment he may deem necessary.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 240, read first and second times in full, and referred to Committee on Education.

H. B. No. 241, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 242, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 243, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 244, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 245, read first and second times by title only, and referred to Committee on Privileges and Elections.

H. B. No. 246, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 247, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 248, read first and second times in full, and referred to Committee on State Boards and Officers.

H. B. No. 249, read first and second times by title only, and referred to Committee on Corporations Other Than Municipal.

H. B. No. 250, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 251, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 252, read first and second times by title only, and referred to Committee on Education.

House Joint Memorial No. 2 was read in full and referred to Committee on Ways and Means.

Mr. Speaker announced that he was about to sign House Bills Nos. 32, 64 and 55, and signed the same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 116, A bill for an Act entitled, "An Act to prohibit the use

of four wheel cabooses, known as Dinkey Cabooses on all railroad trains operated in the State of Montana. To prevent the use of box cars as cabooses, and to fix the minimum size and manner of construction of all cars used as cabooses, and fixing the penalties for violation of this Act," beg to report that they have had the same under consideration and recommend that the same be amended by striking out Sections 1, 2, and 3, of said Act, and substituting therefor the following:

Section 1. It shall be unlawful for any person, corporation or company operating any railroad or railway in this State to require or permit the use of any caboose cars, unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door in each end thereof, and with suitable cupolas, platforms, guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars, and said caboose cars shall be equipped with at least two, four wheel trucks.

And amend Section 4 by numbering the same Section 2, and further by making the same read as follows:

Section 2. Any person, corporation or company operating any railroad or railway in this State, violating any of the provisions of Section 1 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1000), for each offense.

Amend Section 5, by numbering it Section 3.

Amend Section 6, by numbering it Section 4, and by striking out the words "one year from and after its passage and approval," and inserting in lieu thereof the words, "from and after the first day of November, 1907."

And recommend that as amended the same do pass.

Report adopted.

Boorman, from the Committee on Highways, reported as follows:

Helena, Montana, Feby. 6, 1907.

Mr. Speaker:

We, your Committee on Highways, after considering House Bill No. 40, introduced by Farmer (by request), relating to an Act to amend Sections 11, 20 and 27 of House Bill No. 145, passed by the Eighth Legislative Assembly relative to Public Highways and the collection of poll tax, recommend its indefinite postponement."

Report adopted.

Also:

Helena, Montana, Feby. 6, 1907.

Mr. Speaker:

We, your Committee on Highways, after having under consideration House Bill No. 9, introduced by Tudor, being a Bill for an Act to create a highway commission for the State of Montana, recommend that it do pass as amended, as follows:

Amend Section 2, Subdivision 2, so as to read as follows: "There is hereby further appropriated to the Agricultural College, not otherwise appropriated for the fiscal year ending March 31, 1908, Three Thousand Five Hundred (3,500) Dollars and for the fiscal year ending March 31, 1909, Three Thousand Five Hundred (3,500) Dollars, to be used for good roads, investiga-

tion, instruction, experimentation and demonstration and to be paid out in vouchers approved by the State Board of Examiners in the same manner as other appropriations."

We would further report that this proposed measure has received a hearty endorsement from all localities in our state.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 13, 16, 24, 28, 29 and 30, were today read third time and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 5, 15, 63, 70, 109, 110, 111 and 112 were today concurred in and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that report from the Committee on Rules, recommending that the joint rules of the Eighth Legislative Assembly be adopted as the joint rules of the House and Senate of this Legislative Assembly and that three hundred copies of same be printed for the use of the two houses, was this day approved in the Senate.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced and read first and second times:

H. B. No. 49, referred to Committee on Finance and Claims.

H. B. No. 67, referred to Committee on Finance and Claims.

H. B. No. 84, referred to Committee on Judiciary.

H. B. No. 104, referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following appointments by his Excellency, the Governor, were today confirmed by the Senate:

Sydney Fox, of Carbon County, Judge of the Thirteenth Judicial District,
State of Montana.

To be members of the State Board of Stock Commissioners:

County.	Name.
Beaverhead.....	Martin Barrett
Broadwater.....	J. E. O'Connor
Carbon.....	J. N. Tolman
Cascade.....	James T. Stanford
Chouteau.....	C. J. McNamara
Custer.....	John M. Holt
Dawson.....	W. F. Jordan
Deer Lodge.....	W. M. Montgomery
Fergus.....	Frank Stevens
Flathead.....	John Herman
Gallatin.....	H. H. Sappington
Granite.....	James McDonel
Jefferson.....	Edward Cardwell
Lewis and Clark.....	John T. Murphy
Madison.....	Winthrop Raymond
Meagher.....	John H. Freeser
Missoula.....	Michael Flynn
Park.....	A. N. Shearman
Powell.....	John N. Bielenberg
Ravalli.....	T. J. Shannon
Rosebud.....	Joseph E. Brown
Sanders.....	J. A. McGowan
Silver Bow.....	Jeff Lavelle
Sweet Grass.....	W. P. Franklin
Teton.....	W. K. Flowerree
Valley.....	J. E. Milner
Yellowstone.....	David Fratt

To be members of the State Board of Sheep Commissioners:

County	Name.
Beaverhead.....	Geo. W. French
Broadwater.....	Jeff Doggett
Carbon.....	D. G. O'Shea
Cascade.....	H. C. Ewing
Chouteau.....	Geo. B. Borne
Custer.....	Frank D. O'Neil
Dawson.....	Wm. Lindsay
Deer Lodge.....	John Wenger
Fergus.....	B. C. White
Flathead.....	W. F. Mulaney
Gallatin.....	John F. Work
Granite.....	Lee C. Degenhart
Jefferson.....	E. J. Stanley
Lewis and Clark.....	Wm. J. Bickett
Madison.....	Henry W. Buford

Meagher.....	J. E. Bower
Missoula.....	D. R. McClay
Park.....	S. O'N. C. Brady
Powell.....	Wm. Williams
Ravalli.....	J. L. Humble
Rosebud.....	D. McGillivray
Silver Bow.....	Herman Diestal
Sweet Grass.....	A. B. Coit
Teton.....	W. K. Flowerree
Valley.....	L. H. Mills
Yellowstone.....	A. C. Logan

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

S. B. No. 62, by Edwards. A bill for an Act entitled "An Act regulating and prescribing the manner of measuring hay in stack to determine tonnage." Referred to Committee on Judiciary.

S. B. No. 63, by White, by request. A bill for an Act relating to banks and banking; providing for the organization, management, control, regulation and supervision of same. providing penalties for violations of the provisions of this Act, repealing Sections 570 to 585 inclusive, being all of Division I, Part IV, Title II, of the Civil Code of Montana; providing that all persons doing a banking business shall comply with the provisions of this Act; providing for the assessment and taxation of banks; repealing Section 4061 of the Political Code of Montana relating to licenses. Referred to Committee on Judiciary.

S. B. No. 64, by Martien. A bill for an Act to provide for the submission to the qualified electors of the State of Montana a proposition to amend Section 13 of Article XII of the Constitution of the State of Montana, relating to the public funds in the hands of the State Treasurer. Referred to Committee on Finance and Claims.

S. B. No. 65, by Sanders. A bill for an Act entitled "An Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof. Referred to Committee on Apportionment and Representation.

S. B. No. 66, by Long. A bill for an Act entitled "An Act to create the office of State Fire Warden, providing for the appointment of deputies and relating to their compensation and duties." Referred to Committee on Public Lands.

S. B. 67, by Muffly. A bill for an Act entitled "An Act to establish a Railroad and Transportation Commission for the State of Montana, providing for the appointment and election of the members thereof, and defining its powers and duties, whereby discrimination and extortion in railroad and express charges may be prevented, and reasonable freight, passenger, and express tariffs may be established; to prescribe and authorize the making

of rules and regulations to govern the commission, and the railroads and express companies, and afford railroad and express companies and other parties adequate remedies to prescribe penalties for the violation of this Act and to provide means and rules for its enforcement. Read first and second times by title only and referred to Committee on Railroads and Transportation.

S. B. 68, by Miles. A bill for an Act relating to internal improvements in cities and towns and authorizing the issuance of special improvement district bonds in payment therefor and providing for the levy and collection of assessments to pay the bonds. Referred to Committee on Counties, Towns and Municipal Corporations. Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day given:

By McCone. A bill for an Act entitled, "An Act to increase the number of members composing the State Furnishing Board and prescribing rules and regulations and maximum rates to be followed by said board in reference to all State printing, binding, etc., and repealing Sections 702 to 714 inclusive. Article XIX of the Political Code of Montana.

By Donlan. A bill for an Act to amend Section 717 of the Penal Code of the State of Montana, as the same is amended by Chapter 39, Laws of 1905, relating to the sale of intoxicating beverages on the line of any railroad grade, logging camp, saw mill, sheep shearing camp, irrigation ditch or canal, in course of construction, by adding to said Section a proviso defining the words "town."

By McLean. A bill for an Act relating to bounty on stock destroying animals and to prevent fraud in the payment of the same.

By McLean. A bill for an Act entitled An Act relating to the registration of voters and providing additional means for their registration.

By Martien. A bill for an Act entitled An Act to compel corporations, associations or persons operating railways or railroads in the State to furnish cars and power to move shipments of property in car load lots, to provide for the recovery of penalties and damages for failure so to do, and to prevent discriminations against shippers in furnishing cars and power to move their property.

By Muffley. A bill for an Act prohibiting marriages between white persons and negroes or persons of negro blood; between white persons and Indians, Chinese and Japanese and making such marriages void and prescribing punishment for solemnizing such marriages.

Respectfully,

H. K. HOWRY, Secretary.

READING OF SENATE BILLS.

S. B. No. 13, read first time by title only, and referred to Committee on Education.

S. B. No. 16, read first time by title only, and referred to Committee on Judiciary.

S. B. No. 24, read first time by title, and referred to Committee on Townships and Counties.

S. B. No. 28, read first time by title only, and referred to Committee on Education.

S. B. No. 29, read first time by title only, and referred to Committee on Railroads and Transportation.

S. B. No. 30, read first time by title only, and referred to Committee on Insurance.

Motion by Miller of Park to reconsider motion adopting report of Committee of the Whole in regard to House Bill No. 48. Motion carried and House Bill No. 48 placed on General Orders.

REPORT OF STANDING COMMITTEE.

Shaw from the Committee on Printing, reported as follows:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 165, 129 and 180 have been correctly printed.

On motion of Allen the House took a recess at 12 o'clock to meet at 1:30 P. M.

AFTERNOON SESSION.

House reassembled at 1:30 P. M.

Mr. Speaker in the chair.

NOTICES OF BILLS.

By Barbour, by request. A bill for an Act entitled An Act to amend Section one, Sub-division 2, of Section 2, Subdivisions 4 and 6 of Section 15, of an Act entitled An Act to create the office of Meat and Milk Inspector for the State of Montana, and prescribing their powers and duties and compensation therefor, and repealing all Acts and parts of Acts in conflict therewith.

By Duncan. A bill for an Act to amend Section 2931 of the Code of Civil Procedure of Montana, and to further enlarge the powers of the Clerk of the District Court.

By Gray. A bill for an Act providing for the division of the various counties into Commissioners' Districts.

By Gray. A bill for an Act to amend Sections 3480 and 3491 of the Political Code, relating to the sale and leasing of State Lands.

On motion of Miller of Park, House Bill No. 48 was withdrawn from General Orders, and re-referred to Committee on Agriculture and Horticulture.

REPORTS OF STANDING COMMITTEES.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. thirty-nine, being A Bill for an Act entitled "An Act authorizing city and

town councils to provide for and regulate the inspection and measuring of gas and of electric light and power," beg leave to report as follows:

That Section 1 of said Bill be amended, so as to read as follows:

"Section 1. The council of any incorporated city or town shall have power, by ordinance, to provide for and regulate the inspection and the measurement of gas, electric or other light, and electric or other power, sold within its limits or brought into or carried through any such city or town."

That as so amended, the bill do pass.

Report adopted.

Also:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 164, being "A bill for an Act to amend Section 529 of the Penal Code of the State of Montana," beg leave to report as follows:

We recommend that said bill be amended as follows: That wherever in the said bill, or the title thereof, the figures "529" appear, the same be stricken out, and in lieu thereof inserted the figures "842." Also amend the same by inserting in line 9, after the word "Co-partnership" a comma and the word "government;" and by striking out the words "and on the trial of any case charging an offense under this Section, the non-existence of such bank or corporation may be proven by reputation."

That as so amended the bill do pass.

Report adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Feb. 6, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred H. B. No. 151, introduced by Scallon, being a bill entitled: "An Act providing regulations for saloons, and prohibiting wine rooms in or in connection with saloons, prohibiting the frequenting of wine rooms by females, or the admission of females to wine rooms, and prohibiting females being in saloons for the purpose of being supplied with liquor, and prohibiting certain signs in connection with saloons, and providing for the enforcement of this Act, and penalties for its violation," begs leave to respectfully recommend that the bill be printed and placed on General Orders.

Report adopted.

Also:

Feb. 6, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred H. B. No. 120, introduced by Marshall, being a Bill entitled: An Act regarding pool rooms, pool selling and registering of bets, and to punish the keeping of pool rooms, bookmaking and pool selling, and recording of bets by unlicensed persons; to provide for the issuance of licenses therefor, and to dispose of the funds arising from such licenses; and to provide civil and criminal liabilities and penalties for the violation of its provisions and civil actions for the recovery of money lost on any pool or bet sold or registered contrary to this

Act, and repealing and prohibiting ordinances on the subject and repealing Acts in conflict herewith," beg leave to respectfully recommend that the bill be printed and placed on general orders.

Report adopted.

Also:

Feb. 6, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration House Bill No. 42, introduced by Macaulay, being a bill entitled "An Act to create a Board of Police Commissioners in Cities having more than twenty-five thousand inhabitants; defining the powers and duties of said commissioners and fixing their term of office and compensation," would respectfully recommend that the bill be printed and placed on general orders.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 134 correctly engrossed.

Wendel, from the Committee on Affairs of Cities, reported as follows:
Helena, Montana, February 6, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration House Bill No. 138, introduced by Boorman, being a Bill for an Act entitled, "An Act requiring all saloons and places where liquors are sold under a liquor license issued under the laws of Montana, to be and remain closed from and after twelve o'clock, midnight, until six o'clock the following morning," beg leave to respectfully recommend that the bill be printed and placed on general orders."

Report adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 4, having been read three several times, was concurred in by the following vote:

Ayes—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, English, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Whiteside, Wilder and Mr. Speaker.—60.

Noes—None.

Absent and not voting—Bennet of Madison, Boorman, Brewster, Campbell, Cato, Decker, Farmer, Logan, Potter, Scallon, Tudor, Wendel, and Wilham—13.

Title agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 12, having been read three several time, was passed by the following vote:

Ayes—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, English, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—62.

Noes—None.

Absent and not voting—Bennet of Madison, Brewster, Cato, Decker, Farmer, Logan, McDonald, Potter, Scallon, Warren and Wilham.—11.

Title agreed to.

House Bill No. 16, having been read three several times, was passed by the following vote:

Ayes—Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Boorman, Brownlee, Campbell, Cameron, Cluston, Cutler, Gerber, Goff, Greene, Griffin, Harden, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, Morris, McManus, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, and Mr. Speaker.—44.

Noes—Allen, Blewett, Burke, Corby, Duncan, English, Fisher, Gray, Harbordt, Hess, Longstaff, Miles, McDonald, Macaulay, O'Connor, Sherman, Swindlehurst, Thompson of Sanders, Warren, Wilder.—20.

Absent and not voting—Brewster, Cato, Cummings, Decker, Farmer, Potter, Whiteside, Wilham, and Miller of Lewis and Clark.—9.

Title agreed to.

House Bill No. 73, having been read three several times, was passed by the following vote:

Ayes—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Duncan, English, Fisher, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Warren, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—59.

Noes—None.

Absent and not voting—Brewster, Cato, Cummings, Cutler, Decker, Farmer, Gray, Longstaff, Leighton, Miles, Moore, Potter, Walker and Wilham.—14.

Title agreed to.

House Bill No. 79, having been read three several times, was passed by the following vote:

Ayes—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cluston, Duncan, English, Fisher, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall,

Maxwell, Miles, Miller of Park, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Powers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—59.

Noes—None.

Absent and not voting—Brewster, Cato, Corby, Cummings, Cutler, Decker, Farmer, Gray, Hess, Miller of Lewis and Clark, Moore, Potter, Warren, and Wilham.—14.

Title agreed to.

House Bill No. 82, having been read three several times, was passed by the following vote:

Ayes—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cluston, Cutler, Duncan, English, Fisher, Goff, Greene, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—61.

Noes—Gerber.—1.

Absent and not voting—Barbour, Brewster, Cato, Corby, Cummings, Decker, Farmer, Gray, Moore, Potter, and Wilham.—11.

Title agreed to.

House Bill No. 89, having been read three several times, was passed by the following vote:

Ayes—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, English, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—60.

Noes—Duncan, Longstaff, Warren.—3.

Absent and not voting—Brewster, Cato, Cutler, Decker, Farmer, Kroger, Moore, Potter, Selway, and Wilham.—10.

Title agreed to.

House Bill No. 98, having been read three several times was passed by the following vote:

Ayes—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Burke, Cameron, Cummings, English, Goff, Greene, Harden, Hyndman, Kroger, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, McManus, O'Connor, Patten, Powers, Root, Ross, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Tudor, Warren, Weed, Wendel, Wilder.—39.

Noes—Bennet of Madison, Boorman, Brownlee, Campbell, Corby, Cluston, Cutler, Duncan, Fisher, Gerber, Gray, Harbordt, Kirwan, Leighton,

Logan, Longstaff, Maxwell, Miles, Macaulay, Seidler, Selway, Thompson of Sanders, Walker, Mr. Speaker.—24.

Absent and not voting—Brewster, Cato, Decker, Farmer, Griffin, Hess, Moore, Potter, Whiteside, and Wilham.—10.

Title agreed to.

House Bill No. 102, having been read three several times, was passed by the following vote:

Ayes—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—63.

Noes—None.

Absent and not voting—Brewster, Cato, Decker, English, Farmer, Harbordt, McManus, Potter, Root, and Wilham.—10.

Title agreed to.

House Bill No. 107, having been read three several times was passed by the following vote:

Ayes—Allen, Beckwith, Bennetts of Silver Bow, Blake, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, Patten, Ross, Scallon, Seidler, Selway, Shaw, Thompson of Fergus, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—49.

Noes—Blewett, Duncan, Kirwan, Longstaff, O'Connor, Powers, Sherman, Swindlehurst, Warren, Wilder.—10.

Absent and not voting—Barbour, Bennett of Madison, Brewster, Cato, Decker, English, Farmer, Fisher, Kroger, Leighton, McManus, Potter, Root, and Wilham.—14.

Title agreed to.

House Bill No. 126, having been read three several times, was passed by the following vote:

Ayes—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, English, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, Macaulay, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Thompson of Sanders, Tudor, Wendel, Wilder, Mr. Speaker pro tem.—54.

Noes—None.

Absent and not voting—Barbour, Bennet of Madison, Brewster, Cato,

Decker, Farmer, Griffin, Hyndman, Moore, McManus, O'Connor, Potter, Towers, Walker, Warren, Weed, Whiteside, Wilham and Mr. Speaker.—19.

Title agreed to.

House Bill No. 127, having been read three several times, was passed by the following vote:

Ayes—Beckwith, Bennetts of Silver Bow, Blake, Boorman, Brownlee, Burke, Campbell, Corby, Cluston, Cummings, Cutler, Duncan, English, Gerber, Goff, Greene, Griffin, Harbordt, Hess, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Weed, Wendel, Wilder, Mr. Speaker pro tem.—48.

Noes—None.

Absent and not voting—Barbour, Bennet of Madison, Blewett, Brewster, Cameron, Cato, Decker, Farmer, Fisher, Gray, Harden, Hyndman, Logan, Miles, Moore, McDonald, McManus, Potter, Scallon, Tudor, Walker, Warren, Whiteside, Wilham and Mr. Speaker.—25.

Title agreed to.

House Bill No. 130, having been read three several times, was passed by the following vote:

Ayes—Beckwith, Bennetts of Silver Bow, Blake, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, English, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Root, Ross, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Mr. Speaker pro tem.—52.

Noes—None.

Absent and not voting—Barbour, Bennet of Madison, Blewett, Boorman, Brewster, Cato, Decker, Farmer, Griffin, Logan, Maxwell, McDonald, McManus, Potter, Powers, Scallon, Selway, Shaw, Weed, Wilham and Mr. Speaker.—21.

Title agreed to.

House Bill No. 133, having been read three several times, was passed by the following vote:

Ayes—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, English, Fisher, Gerber, Goff, Greene, Griffin, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Root, Ross, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Wendel, Whiteside and Mr. Speaker.—51.

Noes.—None.

Absent and not voting—Allen, Barbour, Bennet of Madison, Boorman, Brewster, Burke, Cato, Decker, Farmer, Gray, Harbordt, Logan, Moore, McDonald, Potter, Powers, Scallon, Shaw, Tudor, Weed, Wilder, and Wilham.—22.

Title agreed to.

House Bill No. 154, having been read three several times, was passed by the following vote:

Ayes—Allen, Beckwith, Bennetts of Silver Bow, Blake, Brownlee, Campbell, Cameron, Corby, Cluston, Duncan, English, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Root, Ross, Seidler, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Wendel, Whiteside, Wilham, and Mr. Speaker.—55.

Noes.—None.

Absent and not voting—Barbour, Bennet of Madison, Blewett, Boorman, Brewster, Burke, Cato, Cummings, Cutler, Decker, Farmer, Logan, O'Connor, Potter, Powers, Scallon, Sherman, and Wilder.—18.

Title agreed to.

House Bill No. 172, having been read three several times, was passed by the following vote:

Ayes—Allen, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, Gerber, Greene, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—51.

Noes.—None.

Absent and not voting—Barbour, Beckwith, Bennet of Madison, Boorman, Brewster, Burke, Cato, Decker, English, Farmer, Fisher, Goff, Gray, Logan, Moore, Potter, Scallon, Selway, Tudor, Warren, Wilder, and Wilham.—22.

Title agreed to.

House Bill No. 134, having been read three several times, was passed by the following vote:

Ayes—Allen, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Cameron, Corby, Cluston, Cutler, English, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Mr. Speaker.—53.

Noes—Beckwith, Duncan, Griffin, Towers.—4.

Absent and not voting—Barbour, Bennet of Madison, Boorman, Brewster, Campbell, Cato, Cummings, Decker, Farmer, Logan, O'Connor, Potter, Scallon, Selway, Wilder and Wilham.—16.

Title agreed to.

House Bill No. 173, having been read three several times, was passed by the following vote:

Ayes—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, Fisher, Goff,

Greene, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Powers, Root, Ross, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Mr. Speaker.—53.

Noes.—None.

Absent and not voting—Barbour, Bennet of Madison, Boorman, Brewster, Campbell, Cato, Decker, English, Farmer, Gerber, Gray, Logan, O'Connor, Potter, Scallon, Selway, Swindlehurst, Whiteside, Wilder and Wilham.—20.

Title agreed to.

On motion of Marshall, House Bill No. 37 was withdrawn from third reading and re-committed to Committee of the Whole.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 37, correctly engrossed.

Boorman, from the Committee on Highways, reported as follows:

Helena, Montana, February 6, 1907.

Mr. Speaker:

We, your Committee on Highways, having had under consideration House Bill No. 80, being an Act entitled, An Act to amend Sections 9 and 10, of Article II, Sections 17, 18 and 25 of Article III, Sections 29, 30 and 32, of Article IV, Section 35 of Article VI, Sections 44, 47 and 48, of Article VII, Section 52, of Article VIII, and Section 62 of Article IX, and to repeal Section 8 of Article II, and Section 53 of Article VII, of Chapter 44 of the Session Laws of 1903, approved March 2, 1903, and to repeal Sections 1, 2, 3, 4, and 5 of Chapter 76 of the Session Laws of 1905, approved March 3, 1905, beg leave to recommend the following amendments thereto: That Section 4 be amended to read as follows: "Section 4. That Article II, Section 10, be amended to read as follows: Road Supervisors, under the direction and supervision of the County Surveyor must:

1. Take charge of the highways within their respective districts.
2. Keep them clear from obstructions and in good repair.
3. Cause banks to be graded, bridges and causeways to be made where necessary, keep the same in good repair and renew them when destroyed.
4. Make quarterly reports or oftener if required by the County Surveyor, under oath of the number of days they have been employed during the preceding three months; the number of days' labor performed, and by whom performed, and the wages paid per day; filing therewith a receipt or receipts signed by each and all persons who have performed labor, stating the number of days' labor performed and the amount received for the same; also the amount and value of the material and kind thereof.

5. Such Road Supervisor shall receive not less than Two Dollars (\$2.00) per day for eight hours labor, nor more than Three Dollars (\$3.00) per day for eight hours labor for himself, or men under his charge, and all team hire shall be paid at the rate of not less than One Dollar and Fifty cents

(\$1.50) nor more than Three Dollars (\$3.00) per day for eight hours labor on the county roads. Road Supervisor must give such bonds as may be required by the County Surveyor.

That paragraph 1, Section 17, be amended to read as follows: 1. The County Surveyor shall be general superintendent of all roads within his county, and all the construction and alterations of all the roads hereafter built or altered, and all other work required to be done by him, and that he shall have an office in the Court House at the County Seat, and said office shall be maintained by the County.

With the amendments as specified herein, we recommend that the bill do pass.

Report adopted.

Miller of Lewis and Clark, from Committee on Employees, reported as follows:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on Employees respectfully reports that the chairman of the Enrolling Committee has selected Mrs. M. B. Ried as clerk of such Committee. We have examined into her qualifications and find her competent, and recommend her appointment.

Report adopted.

Also:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on Employees respectfully reports that Mr. J. A. Johnson did not qualify as additional clerk in the Judiciary Committee, and that Committee has agreed that Miss Maud Sagle be assigned to such Committee. We recommend confirmation of the same.

Report adopted.

Wendel, from the Committee on Affairs of Cities, reports as follows:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 155, introduced by Macaulay, being a Bill for an Act entitled "An Act to regulate the licensing of Itinerant Vendors and to fix the amount of such licenses," beg leave to recommend that the bill do not pass.

House Bill No. 155 referred to Printing Committee.

Also:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 34, introduced by Manchester, being a Bill entitled: An Act to amend an Act approved March 5th, 1903, entitled, "An Act relating to the granting of franchises by cities and towns, and providing a submission of the question of granting any franchise to the resident freeholders whose names shall appear on the city or county tax roll preceding such election," and providing for the extension of said franchises under certain conditions, beg leave to recommend that Section 4 be amended by inserting between the words "provided" and "Provided," on line 9 the following, to-wit: "Provided

that seventy-five per cent of the freeholders along the street or streets where such extension is proposed, petition for such extension." And by adding to said Section 4 the following, to-wit: "Provided further that if three per cent of the qualified voters of the city or town shall, within thirty days from the passage and approval of the ordinance, petition the city or town council that the ordinance be submitted to the electors as provided in this Act, then the same shall be so submitted and no such ordinance shall take effect in less than thirty days after its passage and approval; and provided further that nothing herein contained shall be construed as authorizing the extension of the terms of the franchise or any enlargement of the rights thereby granted, except in allowing additional streets and alleys to be occupied under the franchise," beg to respectfully recommend that the bill do pass as amended.

Report adopted.

MOTIONS AND RESOLUTIONS.

By Whiteside: "I move to reconsider the action of the House in adopting the report of the Committee of the Whole on House Bill No. 54."

Motion carried. House Bill No. 54 referred to Committee on Sanitary Affairs.

On motion of Walker, the House adjourned at 3:45 P. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRTY-SECOND DAY

Helena, Montana, February 7, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll was called and all members found present except Cato, Potter and Cutler; Cutler excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Wednesday, February 6, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS

Four petitions from the Butte Ministerial Association relative to certain measures were read, and petitions referred to proper committees.

The following communication was received and read:

Helena, Montana, February 7, 1907.

To the Honorable House of Representatives of the Tenth Legislative Assembly of the State of Montana.

Gentlemen:—Enclosed you will please find copy of Resolution No. 654, as

passed and approved by the City Council of the City of Helena, Montana, on February 4, 1907.

Respectfully yours,

MARTIN DOTY, City Clerk.

Mr. Speaker announced that he would segregate said Resolution and refer the different parts to the proper committees.

NOTICES OF BILLS.

The following notices of bills were read:

By Shaw. A bill relating to county teachers' institutes.

By Moore. A bill for an act to provide for the appointment of a Commissioner to compile and revise the Codes and other laws of Montana, to provide for the publication of such Codes, to provide for the compensation of such Commissioner and to make an appropriation therefor.

By Allen. A bill for an Act entitled, an Act relating to banking brokerage, exchange, loan and deposit business amending Section 986 of the Penal Code of the State of Montana.

By Powers. A bill for an Act entitled an Act to provide for sanitary conditions in quartz mines, and providing penalties for violations thereof.

By Selway. A bill for an Act entitled An Act appropriating money for the relief and benefit of the Montana State Normal College.

By Scallon. A bill for an Act relating to the law of sales of goods, and making uniform the law relating thereto. Also a Bill for an Act providing for the appointment of a commission of three on uniform state legislation, and for the expenses of such commission.

By Miller of Park. A bill for an Act to amend Section 1 and 8, of Article 5, of Chapter 106, of the Laws of 1905, and providing for the payment of interest on cost of constructing drains where payment is extended for more than one year. Also, a Bill for an Act to amend Section 10, of Article 2, of Chapter 106, of the laws of 1905, and providing when the fee of lands necessary to be taken for drains shall vest.

REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were read:

Helena, Montana, February 7, 1907.

Mr. Speaker:

The Committee on Corporations Other Than Municipal, having had under consideration House Bill No. 249, a Bill for an Act to authorize and empower foreign corporations to exercise the right of eminent domain in Montana, report it back with favorable recommendation.

WALKER, Chairman.

Report adopted.

Helena, Montana, February 7, 1907.

Mr. Speaker:

The Committee on Corporations Other Than Municipal, having had under consideration House Bill No. 166, a bill for an Act entitled: "An Act regulating the sale of merchandise in bulk," report it back with favorable recommendation.

WALKER, Chairman.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 6, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 43, A bill for an Act entitled: "An Act appropriating money for the completing, furnishing and equipping of the building for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana, and for the fittings and furnishings of the industrial building and gymnasium for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana, and for the erection and equipment of an additional building for hospital and other purposes at said institution, and also for the farm connected with the said Montana School for the Deaf and Blind at Boulder, Montana," having had same under consideration, beg to recommend that same be passed with the following amendments:

Amend Section 1, line 5, by striking out the word "building" and inserting in lieu thereof the word "completing."

Amend Section 2, line 4, by striking out the word "building" and inserting in lieu thereof the word "completing."

Report adopted.

Tudor, from the Committee on State Institutions, Public Buildings and Grounds, reported as follows:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill numbered 101, beg leave to report as follows: We, your Committee on State Institutions, Public Buildings and Grounds, having under consideration House Bill No. 101, introduced by Dr. D. Campbell, being a Bill entitled A Bill for an Act to establish a geological survey of Montana and to make appropriations therefor," beg leave to recommend to amend Section 5 by inserting in line 6, "five thousand dollars," and recommend that the bill do pass as amended.

Report adopted. House Bill No. 101, as amended, referred to Committee on Appropriations.

Also:

Helena, Montana, February 6, 1907.

Mr. Speaker:

Your Committee on State Institutions, and Public Buildings and Grounds, to whom was referred House Bill numbered 170, beg leave to report as follows: We, your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 170, introduced by Whiteside, being a bill entitled a Bill for "An Act to authorize and direct the executive board of the Montana Agricultural College to establish a sub-station for the purpose of carrying on experiments in horticulture and to appropriate money therefor," beg leave to recommend that it do pass.

Report adopted. House Bill No. 170 referred to Committee on Appropriations.

Walker, from the Committee on Corporations Other Than Municipal, reported as follows:

Helena, Montana, February 7, 1907.

Mr. Speaker:

Your Committee on Corporations Other Than Municipal, having had under consideration Senate Bill No. 7, a Bill for an Act entitled: "An Act to amend Section 1192 of the Penal Code of the State of Montana, making it unlawful to wrongfully and without authority, use the name, title of officers, insignia, ritual or ceremonies of certain orders and societies, and providing punishment for the violation of the provisions of this Act," report it back with favorable recommendation.

Report adopted.

Blake, from the Committee on Privileges and Elections, reported as follows:

Feb. 7, 1907.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 88, A Bill for an Act entitled, "An Act providing for the registration of electors in counties, cities and towns, and for penalties for the violation thereof," and recommend that the same be printed.

Also, House Bill No. 245, A bill for an Act entitled "An Act to provide for party nomination by direct vote," and recommend that the same be printed.

Report adopted.

Also:

Feb. 7, 1907.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 32, entitled "A Bill for an Act to repeal an Act entitled an Act to provide for the nomination of candidates by direct vote at a primary election; to provide the method of adopting such act in any county or city, and to amend Sections 1206 of Political Code as amended by the laws of 1899, and 1260 of the Political Code, approved March 6, 1905; and to make the provisions of the general registration and election laws of the State applicable to the counties having adopted the above act," respectfully recommend that the same be concurred in.

Report adopted.

Weed, from the Committee on Insurance, reported as follows:

Helena, Montana, February 7, 1907.

Mr. Speaker:

Your Committee on Insurance beg leave to report as follows:

That House Bill No. 76 and House Bill No. 87, introduced by Whiteside and Logan, respectively, relative to the incorporation, management, and regulation of mutual companies for the insurance of the property of the members against loss or damage by fire or the elements, and being identical the one with the other, as well as with Senate Bill No. 30, now before the House, be indefinitely postponed, and we respectfully recommend that Senate Bill No. 30, covering the same subject, be concurred in.

Report adopted.

That House Bill No. 121, introduced by Weed, providing for the amend-

ment of Section 666, Title 4, Chapter 1, of the Political Code, relative to the filing of annual statements by certain corporations, do pass.

Report adopted.

That House Bill No. 133, entitled: "A bill for an Act defining the status of persons soliciting life insurance," do pass.

Report adopted.

"That House Bill No. 132, entitled "A Bill for an Act to prohibit misrepresentations by life insurance companies," do pass.

Report adopted.

That House Bill No. 146, entitled: "A Bill for an Act to prohibit discrimination by life insurance companies, and providing penalties for violation thereof," do pass.

Report adopted.

That House Bill No. 149, entitled: "A Bill for an Act regulating life insurance companies, and prohibiting the division of funds for political purposes," do pass.

Report adopted.

That House Bill No. 197, as amended by inserting in line 4 of Section 1 thereof, the word "March" instead of "May," do pass.

Report adopted.

That House Bill No. 212, entitled: "A Bill for an Act to require an annual apportionment and accounting of surplus of life insurance companies," do pass.

Report adopted.

That House Bill No. 213, entitled: "A Bill for an Act relating to provisions of life insurance policies," do pass.

Report adopted.

The Committee beg leave to state in connection with the recommendation for passage of the several bills hereinabove mentioned, that they are in accordance with resolutions passed by the National Association of Insurance Commissioners, and that similar bills are expected to be passed by all of the other states of the Union to the end that the laws of the several states relating to life insurance may be uniform.

WEED, Chairman.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 6, 1907.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 191, being "An Act entitled An Act to amend Section 4747 of the Political Code of the State of Montana," beg leave to report that we recommend that the said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 7, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 160, being "A Bill for an Act to amend 'An Act providing for the payment of the indebtedness and expense hereafter incurred by cities, the indebtedness of which exceeds the limit provided in Section 6, Article XIII, of the Con-

stitution of the State of Montana, and further providing for the levy and collection of taxes for such purpose,' approved February 24th, 1903," beg leave to report that we recommend that the said bill do pass.

Report adopted.

Also:

Helena, Montana, February 7, 1907.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 176, being "A Bill for an Act to amend Section 4648 of the Political Code of Montana, relating to fees and mileage of witnesses," beg leave to report as follows:

Amend Section 1 by striking out of said section of the bill, the words: "who, as such officer, receives a" in line 12 of said section.

Also strike out of said section lines 13, 14, 15, 16, 17, 18, 19, 20 and 21, and in lieu thereof insert the following: "shall receive any witness fees when testifying in any criminal action or proceeding, except, in the case of county, state, or town officers, when they are called to testify in a county other than the county of their residence."

That when so amended, we recommend that said bill do pass.

Report adopted.

Brownlee, from the Committee on Townships and Counties, reported as follows:

February 7, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 189, providing for an Act to define the powers and duties of County Surveyors, and to provide for their compensation, and to abolish the office of Road Supervisor, whereas, House Bill No. 80 has been reported favorably by the Committee on Highways, being a similar bill to House Bill No. 189, your Committee report that House Bill 189 be indefinitely postponed.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:
Feb. 6, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 158, A Bill for an Act entitled: "An Act appropriating money for the erection and completion of a Library Building for the University of Montana at Missoula, Montana, for enlarging the heating plant and connecting the same with the Library Building and for cement walks necessary to connect said Library with other buildings at said University, and with the street, and for certain improvements on the University grounds," having had same under consideration, beg to recommend that it be passed with the following amendments:

Amend Section 1, line 3, by striking out the word "and" between "erection" and "completion" and inserting the word "furnishing" after the word "completion."

Amend Section 2, line 2, by changing the word "sum" to read "same."

Amend Section 4, line 1, by striking out the word "and" between the

words "erection" and "completion" and insert the word "furnishing" after the word "completion," line 5.

Report adopted.

Also:

Feb. 6, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred Senate Bill No. 19, A Bill for an Act entitled: "An Act appropriating money for the payment of M. S. Gunn for legal services rendered in the matter of litigation involving the validity of bonds issued, and to be issued, against the State Normal College Land Grant," having had same under consideration, recommend that it be referred to the Judiciary Committee for investigation as to its constitutionality.

Report adopted.

Also:

Feb. 6, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 78, a Bill for an Act entitled: "An Act to authorize, empower and direct the Board of Trustees of the Montana State Reform School at Miles City, Montana, to finish and complete the construction and furnishing of the girls' building at said Montana State Reform School; also to authorize empower and direct the construction and furnishing of a hospital building at said Reform School and to appropriate money for all of said purposes," having had same under consideration, recommend that it be passed with the following amendment: In Section 4, line 3, after the words "Eight Thousand Dollars" insert the words "for the fiscal year of 1908."

Report adopted.

Motion by Whiteside, that all bills reported today with the recommendation that they be printed, be placed on General Orders. Motion carried.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 7th day of February, 1907:

House Bill No. 5. An Act authorizing the County Commissioners to vacate lots, streets, and alleys, parks or boulevards in village plats when such village or townsite shall be abandoned and such lots, streets and alleys, parks and boulevards shall cease to be used for public purposes.

House Bill No. 15. An Act to amend Section 260 of the Code of Civil Procedure, relating to the drawing of jurors and the time at which they are required to attend court.

House Bill No. 70. "An Act appropriating money for the payment of deficiency claims of the State Encampment of 1905 of the National Guard of Montana.

House Bill No. 109. An Act appropriating money for the deficiency claim of certain persons for supplies furnished account of Farmers' Institute.

House Bill No. 110. An Act appropriating money for the payment of the claim of Board of Charities and Reform for expenses incurred.

House Bill No. 63. An Act appropriating money for the payment of deficiency claims of the public printing for expenses incurred.

House Bill No. 112. An Act appropriating money for the payment of certain deficiency claims in connection with the State Treasurer's Office.

House Bill No. 111. An Act appropriating money for the payment of certain deficiency claims in connection with the Adjutant General's Office.

Mr. Speaker announced that he was about to sign House Bills Nos. 111, 63, 112, 110, 109, 15, 5 and 70, and signed the same in the presence of the House.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Bennett, H. B. No. 253. A bill for an Act defining the crime of burglary with explosives and fixing punishment therefor.

By Miller of Lewis and Clark, H. B. No. 254. A bill for an Act to amend Section 1260, and to repeal Section 1261 of Chapter 5, and to amend Section 1411, Chapter 10, of the Political Code of the State of Montana.

By Miller of Lewis and Clark, by request, H. B. No. 255. A Bill for an Act to amend Section 353 of the Penal Code of the State of Montana.

By Weed, H. B. No. 256. A bill for an Act to amend Section 1 of an Act entitled "An Act to provide the conditions upon which foreign corporations may do business in this State and to repeal Section 1030 and 1038 inclusive of the Civil Code of Montana," approved March 9, 1901; and to add subdivision 7 to said Section 1, providing for the filing of alterations and amendments to the Charter or Articles of Incorporation of Foreign Corporations, and for the filing of certificates of increase of capital stock or continuance of corporate existence, and for the payment of fees therefor.

By Allen, H. B. No. 257. A bill for an Act entitled an Act for the submitting to the qualified electors of the State of Montana, an amendment to Article 12 of the Constitution of the State of Montana, relating to the revenue and taxation, and providing for an increase in the tax levy.

By Goff, H. B. No. 258. A bill for an Act entitled "An Act to amend Section 1 of Chapter 27 of the Acts of the Ninth Legislative Assembly, being an Act to authorize cities and towns to create special improvement districts, and to levy special assessments upon the property of such districts, for the purpose of defraying the cost of construction or acquiring a system of water works, and laying extensions to water mains, approved Feb'y. 21, 1905."

By Miller of Park, H. B. No. 259. A Bill for an Act entitled "An Act for the protection of the health of the men employed in underground mines and smelters, stamp mills, sampling works, concentrators, or any works where ores or coal are mined, reduced, washed or treated, by regulating their hours of employment and providing penalties for the violation thereof; and repealing House Bill No. 1 (Sections 1 to 5 inclusive), of the Session Laws of 1901, entitled 'An Act for the protection of the health of men employed in underground mines and in smelters, stamp mills, sampling works, concentrators, or any works where ores are mined or reduced, by regulating their hours of employment and providing penalties for the violation thereof.'"

By Miller of Park, H. B. No. 260. A Bill for an Act entitled "An Act

repealing Article XV, Chapter III, Part III, Title I, (Sections 580 to 590 inclusive) of the Political Code of the State of Montana; and providing for the qualification, appointment, salary and expense of the State Mine Inspector and for the appointment and salary of the Deputy Mine Inspector; providing a schedule of fees for the inspection of mines and for the payment and collection of the same; and providing the duties of the State Mine Inspector."

By Weed, H. B. No. 261. A bill for an Act to amend Sections 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490 and 2491, Chapter IV, Part II, of the Criminal Code of Montana, relating to the examination of witnesses conditionally.

By Boorman, H. B. No. 262. A Bill for an Act entitled "An Act to provide for the appointment of Commissioners to compile and arrange the Codes and Statutes of Montana, and to prescribe their duties and powers, and to provide for their compensation."

By Kirwan, H. B. No. 235. A Bill for an Act entitled an Act to amend Section 4786 of the Political Code, relating to the duties of City Attorney.

By Wilder, H. B. No. 264. A Bill for an Act entitled: "An Act to amend Section 3780 of the Political Code, relating to County Boards of Equalization."

By Gray, by request, H. B. No. 265. A bill for an Act entitled, "An Act to amend Section 3480 of the Political Code, as enacted by the Act of the Sixth Legislative Assembly approved March 1st, 1899, and amended by the Act of the Eighth Legislative Assembly approved Feby. 25th, 1903, and to amend Section 3491 of the Political Code as enacted by the Act of the Sixth Legislative Assembly approved March 1st, 1899, relating to the sale and leasing of state lands."

By Seidler, H. B. No. 266. A Bill for an Act entitled "An Act to provide for the appointment of a Clerk for the office of the State Mine Inspector and State Coal Mine Inspector.

By Seidler, H. B. No. 267. A Bill for an Act entitled "An Act providing for the establishment of wash houses at coal mines and providing penalties for failure to comply with the same."

MOTIONS AND RESOLUTIONS.

Motion by Whiteside, that the rules be suspended and the following resolution be read and adopted: Carried unanimously.

By Marshall:

Whereas: The hand of Death has been laid upon Preston H. Leslie, an Honored Citizen of this State, formerly Territorial Governor of Montana, and twice Governor of the State of Kentucky; and

Whereas, in the purity of his public and private life, Preston H. Leslie was a worthy example for the young men of his time;

THEREFORE BE IT RESOLVED, by the Senate and House of Representatives of the Tenth Legislative Assembly of the State of Montana, that we deplore the death of this honored citizen of our State; and be it further

Resolved, That the sincere sympathy of this Assembly is hereby extended to the family of Governor Leslie; and be it further

Resolved, that as a mark of our respect for the deceased, the two

Houses of this Assembly adjourn at Noon today, and that a joint committee of the Senate and House of Representatives be appointed to confer with the family of the late Preston H. Leslie to arrange for a State funeral; and be it further

Resolved, that these resolutions be spread upon the Journals of the Senate and House of Representatives, and that a copy of these resolutions be sent to the family of the late Governor Leslie."

Adopted unanimously.

By Warren:

"Mr. Speaker:

Resolved that all parties advocating the passage of any measures not members of this House, be excluded from the floor of this Assembly Room and from the Lobbies apparrant thereto."

On motion, resolution was laid on the table.

By Bennett:

"Mr. Speaker:

I move that the Chairman of each Committee reporting favorably on any bill providing for an appropriation of money or having heretofore so reported be required to report the amount so appropriated to the Committee on Appropriations."

Motion carried.

By Miller of Lewis and Clark:

"Mr. Speaker:

I move that, in view of fact that the Chief Clerk and Assistant Chief Clerk have been greatly over-worked, and the latter is sick, that the Chief Clerk be authorized to employ, for a few days when necessary, an assistant to relieve him."

Motion carried.

Joint Concurrent Resolution No. 3, Introduced by Shaw.

That application is hereby made to the Congress, under the provisions of Article 5 of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States making the Senators of the United States elective in the several states by direct vote of the people; and

Resolved, further, that the Secretary of State is hereby directed to transmit copies of this application to the Senate and House of Representatives of the Congress, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of the Legislatures now in session in the several states, requesting their co-operation."

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Executive Office, Helena, Montana, Feb. 7, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

With profound regret and great sorrow I announce to the House of Representatives the death of the Honorable Preston H. Leslie, once Governor of the Territory of Montana, who died in this city today at 7:45 o'clock A. M. in the eighty-eighth year of his age.

He was an illustrious citizen, whose eminent learning, high character and civic virtues entitle his memory to a secure place in the affections of our people."

J. K. TOOLE, Governor.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 22 correctly engrossed.

NOTICES OF BILLS.

By Burke. A bill for an Act entitled "An Act to amend Section 402, Article V, Chapter III, Part III, Title I, of the Political Code, providing for the distribution of published copies of the Senate and House Journals."

By Gerber. A bill entitled "An Act prohibiting the use of fire-arms by children under the age of sixteen years."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 253, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 254, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 255, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 256, read first and second times by title only, and referred to Committee on Corporations Other Than Municipal.

H. B. No. 257, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 258, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 259, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 260, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 261, read first and second times by title only, and referred to Committee on Judiciary.

H. B. N. 262, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 263, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 264, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 265, read first and second times by title only, and referred to Committee on State Lands.

H. B. No. 266, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. N. 267, read first and second times by title only, and referred to Committee on Mines and Mining.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:
 Helena, Montana, February 7, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 157, 148, 169, 142, 65 and 35 have been correctly printed.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 91, 92, 93, 94, and 113, were this day concurred in and are herewith returned to the House.

Respectfully, H. K. HOWRY, Secretary.

Helena, Montana, February 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 21, 41 and 44, were this day passed and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Mr. Speaker appointed as Committee of the House to meet with Committee from the Senate to arrange for a State funeral for the late Preston H. Leslie, Marshall, Bennett, and Shaw.

The House adjourned at 12 noon.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRTY-THIRD DAY

Friday, February 8, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, Cutler, Farmer, Kirwan, Longstaff, Miles, Potter, and Selway. Cutler excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Thursday, February 7, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

A communication from the City Clerk of Butte, relative to professional licenses was read and referred to Committee on Ways and Means.

NOTICES OF BILLS.

By Bennetts. A bill for an Act authorizing Boards of County Commissioners in Counties of the first class to establish and maintain a law library, and to provide for its care and maintenance.

By Scallon. A bill for an Act entitled, "An Act providing for the Initiative and Referendum in Cities and Towns."

By Towers. A bill appropriating money for the payment of certain duplicate bounty certificates.

By Gerber. A bill entitled "A bill for an Act to amend Section 4807 of the Political Code relating to contracts of Municipal Corporations.

By Weed. A bill for an Act providing for the appointment of a special examiner to inquire into and investigate the affairs and conditions of private banks, bankers, or any banking corporations or other corporations, whether foreign or domestic, doing business in the State of Montana, and prescribing his powers and duties.

By Scallon. A bill entitled A Bill for an Act to amend Section 1060 of the Code of Civil Procedure of the State of Montana, relating to challenges to jurors.

By Scallon. A bill for an Act entitled "An Act providing for a commission for the promotion of uniformity of legislation in the United States, and for the payment of the necessary expenses of the members of such commission.

By Greene. A bill for an Act to prohibit gun clubs from the practice of competitive shooting within a less distance than one mile of any town or village of five hundred people or more.

By Whiteside. A bill to provide revenue by providing a license tax on corporations.

REPORTS OF STANDING COMMITTEES.

Bennet, from the Committee on Appropriations, reported as follows:

Feb. 8, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 231, a Bill for "An Act appropriating money for the Montana State School of Mines located at Butte, Montana, for the erection and equipment of a boiler plant and of a metallurgical plant for said school," having had same under consideration, report same back with the recommendation that it be passed.

Report adopted.

Also:

Feb. 8, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 137, A Bill for an Act appropriating money for the payment of deficiency claim of Secretary of the State Text Book Commission for expenses incurred, having had same under consideration report same back with the recommendation that it be indefinitely postponed for the reason that it will be considered in connection with other deficiency bills.

Report adopted.

Also:

Feb. 8, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 239, A Bill for an Act entitled, "An Act to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary to be expended in securing proper ventilating facilities for the State Capitol, and particularly for the Senate Chamber and the House of Representatives," having had same under consideration, beg to report same back with the recommendation that it be indefinitely postponed.

Report adopted.

Weed, from the Committee on Insurance, reported as follows:

Feb. 7, 1907.

Mr. Speaker:

Your Committee on Insurance, to whom as referred House Bill No. 175, introduced by Weed, entitled, "A bill for an Act to require an annual apportionment on accounting and surplus of Life Insurance Companies as to policies heretofore issued," having had said bill under consideration, respectfully recommend that it do pass.

Report adopted.

Miller of Park, from the Committee on Education, reported as follows:

Helena, Montana, February 7, 1907.

Mr. Speaker:

Your Committee on Education, having had under consideration House Bill No. 83, being a Bill for an Act to establish County Free High Schools, and to provide for their maintenance and repealing all previous legislation on the subject," beg leave to recommend that the same be indefinitely postponed, for the reason that Senate Bill No. 28 has passed the Senate, and is before the House for concurrence, said Senate Bill being identical with said House Bill No. 83.

Report adopted.

Also:

Helena, Montana, February 7, 1907.

Mr. Speaker:

Your Committee on Education, having had under consideration House Bill No. 140, introduced by Marshall, being a Bill for an Act to create a State Text Book Commission for the purpose of adopting and maintaining a uniform series of text books for the public schools of Montana, to regulate the price of same, define the duties and powers of the said Commission, and appropriating a sum of money named therein for the expenses of said Commission, beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also:

Helena, Montana, February 7, 1907.

Mr. Speaker:

Your Committee on Education, having had under consideration Senate Bill No. 28, being an Act to establish County Free High Schools, and to provide for their maintenance, and repealing all previous acts in relation thereto, beg

leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also:

Helena, Montana, February 7th, 1907.

Mr. Speaker:

Your Committee on Education, having had under consideration House Bill No. 188, being a Bill for an Act creating a County Board of Educational Examiners, providing for their appointment, fixing their compensation, and prescribing their qualifications and duties, beg leave to recommend that the same do pass.

Report adopted.

Also:

Helena, Montana, February 7th, 1907.

Mr. Speaker:

Your Committee on Education, having had under consideration Senate Bill No. 13, being an Act to amend an Act entitled: "An Act to amend the Act entitled, 'An Act to prevent wrongs to children and dumb animals and to establish a Bureau of Child and Animal Protection,' approved March 7, 1903, and repealing Sections 1, 2, 3, 4, 5, 6, 7, and 8 of said Act," approved March 4, 1905, beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Shaw, H. B. No. 268. A Bill for an Act to amend Section 1900, and Section 1904, as amended by the laws of 1897, Article 12, Chapter 6, Title 3, Part 3, of the Political Code of the State of Montana, relating to County Teachers' Institutes and to the means of raising funds to defray the expenses of such Institutes.

By Miller of Park, H. B. No. 269. A Bill for an Act to amend Section 10, of Article 2, of Chapter 106, of the laws of 1905, and providing when the fee of lands necessary to be taken for drains shall vest.

By Gerber, H. B. No. 270. A Bill for an Act entitled "An Act prohibiting the use of firearms by children under the age of sixteen years."

By Allen, H. B. No. 271. A bill for an Act entitled, An Act relating to banking, brokerage, exchange, loan and deposit business and amending Section 986 of the Penal Code of the State of Montana.

By Moore, H. B. No. 272. A bill for an Act to provide for the appointment of a Commissioner to compile and revise the Codes and other laws of Montana, to provide for the publication of such Codes, to provide for the compensation of such commissioner and to make an appropriation therefor.

By Duncan, H. B. No. 273. A Bill for an Act entitled an Act to amend Section 2931 of the Code of Civil Procedure of the State of Montana, and to extend the powers of the Clerk of the District Court in the absence of the Judge.

By Gray, H. B. No. 274. A Bill for an Act entitled, "An Act to provide for the sale of estrays."

By Selway, H. B. No. 275. A Bill for an Act entitled, "An Act appropriating money for the relief and benefit of the Montana State Normal College."

By Burke, H. B. No. 276. A Bill for an Act entitled "An Act to amend Section 402, Article V, Chapter III, Part III, Title I, of the Political Code. providing for the distribution of published copies of the Senate and House Journals."

By Miller of Park, H. B. No. 277. A bill for an Act to amend Sections 1 and 8, of Article 5, of Chapter 106, of the Laws of 1905, and providing for the payment of interest on cost of constructing drains where payment is extended for more than one year.

MOTIONS AND RESOLUTIONS.

The following House Joint Memorial was introduced:

House Joint Memorial No. 4, introduced by O'Connor:

RESOLVED by the House of Representatives, the Senate concurring:

That the incorporation by the general government within forest reserves of vast areas within our state, much of it void of timber or timbered so sparsely as not to be within the purview of the act under which the segregation is made, is a policy unjust to our people and obstructive of the settlement and development of our state.

That while we approve the policy of preserving from ruthless destruction the valuable timber on the public lands and such as affords protection against too rapid melting of snows in the mountains, we respectfully pray that all lands not of such character are now included in forest reserves within the State be speedily restored to the general body of the Public Lands.

The acts of Congress give slight, if any, justification for the imposition upon our people of the burdensome tax imposed upon them for the privilege of grazing their stock within forest reserves, annually increasing with the creation of new reserves, all now embracing within this state, 17,344,883 acres.

The exaction of this tax is defended upon the ground of the necessity of restricting the number of cattle and sheep allowed to graze upon the reserves, lest by crowding the tender shoots be trampled on and destroyed, though multiplied instances may be pointed to in this state where reforestation is going on over areas that have been grazed unrestrictedly since they were denuded of timber ten or more years ago.

In fact, it supports simply an army of inspectors, rangers and other officials whose petty annoyances make the system burdensome as it would be judiciously administered, oppressive in the extreme.

Most of these could be dispensed with if the general government should undertake simply to preserve the timber on the public lands from ruthless destruction by depredators or the spread of fires, a policy that would meet the unqualified approval and support of our people.

Should the present policy, however, be continued we earnestly pray the substitution of some system of surveillance through local officers before whom a speedy hearing can be had, in lieu of reposing all details of the administration of the law in officers responsible only to their chief at the distant capital of the country to whom those compelled to seek privileges on the reserves must be servilely subservient or risk business disaster.

RESOLVED, That the Secretary of State be instructed to transmit a copy of these resolutions to the President of the United States and to the Members of Congress from Montana, with the request to the latter that they be laid before each House of Congress.

READING OF HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The following bills were taken from the file:

H. B. No. 268, read first and second times by title only, and referred to Committee on Education.

H. B. No. 269, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 270, read first and second times by title only, and referred to Committee on Education.

H. B. No. 271, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 272, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 273, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 274, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 275, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 276, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 277, read first and second times by title only, and referred to Committee on Ways and Means.

House Joint Memorial No. 4, read and referred to Committee on Federal Relations.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

S. B. No. 69, by McLean. A Bill for an Act entitled an Act relating to bounty on stock destroying animals and to prevent fraud in the payment of same. Referred to Committee on Stock Growing and Grazing.

S. B. No. 70, by McLean. A bill for an Act entitled an Act relating to the registration of voters and providing additional means for their registration. Referred to Committee on Privileges and Elections.

S. B. No. 71, by Muffley, by request. A bill for an Act prohibiting marriages between white persons and negroes or persons of negro blood and between white persons and Indians, Chinese, Japanese, and making such marriages void and prescribing punishment for solemnizing such marriages. Referred to Committee on Public Morals.

S. B. No. 72, by Martien. A bill for an Act to fix the maximum rates per mile to be charged by any person, association of persons or corporation having control of or operating any railroad for carrying passengers between

points within the State of Montana, and prescribing penalties for any violation of the provisions of this Act. Referred to Committee on Railroads and Transportation.

S. B. No. 73, by Martien. A bill for an Act entitled An Act to compel corporations, associations or persons operating railroads in the State to furnish cars and power to move shipments of property in car load lots to provide for the recovery of penalties and damages for failure so to do, and to prevent discrimination against shippers in furnishing cars and power to move their property. Referred to Committee on Railroads and Transportation.

S. B. No. 74, by Donlan. A bill for an Act to amend Section 717 of the Penal Code of the State of Montana as the same is amended by Chapter 39, Laws of 1905, relating to the sale of intoxicating beverages on the line of any railroad grade, logging camp, irrigating ditch, or canal in course of construction, by adding to said section a proviso defining the word "town." Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 75, by McCone. A bill for an Act entitled "An Act to increase the number of members composing the State Furnishing Board and prescribing rules and regulations and maximum rates to be followed by said board in reference to all State Printing, Binding, etc., and repealing Sections 702 to 714 inclusive, Article XIX of the Political Code of the State of Montana. Referred to Judiciary Committee.

S. B. No. 76, by McCarthy. A bill for an Act entitled "An Act regarding divorce cases and providing that such cases shall not be brought on for final trial or hearing until after the lapse of thirty clear days after the filing of the complaint and that no judgment or decree shall be made or entered until after the lapse of thirty-five clear days after the filing of the complaint. Referred to Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices of Bills were given:

By Haviland, by request. A bill for an Act to amend Sections 397 and 1503 of the Code of Civil Procedure, relating to appearances in all Courts of the State.

By Bielenberg. A bill for an Act to provide for the tallying of cattle shipped from the State, and to facilitate the inspection of same at the market points.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the action of yesterday in regard to approving and confirming certain appointments by his Excellency, the Governor, was today reconsidered and the following action taken:

The appointment of Sydney Fox to be Judge of the Thirteenth Judicial District approved and confirmed.

The appointments for the State Board of Stock Commissioners approved and confirmed.

All appointments for Sheep Commissioners, with the exception of that of D. McGillivray, of Rosebud County, approved and confirmed.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 7th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

S. B. No. 77, by Haviland. A bill for an Act to amend Sections 397 and 1503 of the Code of Civil Procedure, relating to appearances in all courts of the State. Referred to Committee on Judiciary.

S. B. No. 78, by Committee on Stock Growing and Grazing. A bill for an Act to provide for the tallying of cattle shipped from the State, and to facilitate the inspection of same at the market points. Referred to Committee on Stock Growing and Grazing.

S. B. No. 79, by Everett. A bill for an Act to fix the maximum rate to be charged by railroad companies for the transportation of coal and fixing penalty for its violation. Referred to Committee on Railroads and Transportation.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 7th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senators Martien, Miles and McCone have been appointed by the President to act with a like Committee from the House as a Joint Committee to confer with the family of the late Preston H. Leslie, formerly Territorial Governor of Montana, to arrange for a State Funeral.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 7th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were given:

By McLean. A bill for an Act to provide for the restoration to the public domain of certain lands heretofore withdrawn from settlement upon application of the State of Montana under the provisions of an Act of Congress, approved August 18, 1894, entitled 'An Act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes,' and amendments thereto; to abolish the Carey Land Act Board and Office of State Engineer, and to authorize the State Board of Land Commissioners to carry out the unfinished business of said Carey Land Act Board; and to repeal Chapter 114 of the Laws of 1903 and Chapter 85 of the Laws of 1905.

By McLean. A bill for an Act entitled, "An Act to prohibit the issuance of a license to any person, corporation or association for the conduct

of a wholesale liquor dealer's business in any town, city, camp or village, having a population of less than one hundred.

By Edwards. A bill for an Act entitled, "An Act for the submitting to the electors of the State of Montana, an amendment to Section 9, of Article XI, of the Constitution of the State of Montana, relating to the rate of taxation for State purposes.

By Miles. A bill for an Act providing for the parole of prisoners confined in the State Prison and authorizing the State Board of Prison Commissioners to grant paroles to such prisoners.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced and read first and second times:

H. B. No. 12, by Miller of Park, (by request). Referred to Committee on Judiciary.

H. B. No. 16, by Shaw. Referred to Committee on Judiciary.

H. B. No. 73, by Marshall. Referred to Committee on Judiciary.

H. B. No. 79, by Towers. Referred to Committee on Judiciary.

H. B. No. 82, by Morris. Referred to Committee on Horticulture.

H. B. No. 89, by Miller of Park. Referred to Committee on Labor and Capital.

H. B. No. 98, by Hyndman. Referred to Committee on Railroads and Transportation.

H. B. No. 103, by Committee on Sanitary Affairs. Referred to Committee on Finance and Claims.

H. B. No. 107, by Walker. Referred to Committee on Judiciary.

H. B. No. 126, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 127, by C. B. Miller. Referred to Committee on Finance and Claims.

H. B. No. 130, by C. B. Miller. Referred to Committee on Finance and Claims.

H. B. No. 133, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 134, by Shaw. Referred to Committee on Education.

H. B. No. 154, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 172, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 173, by Committee on Appropriations. Referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

Senate Joint Resolution No. 2, by Edwards, relating to contracts for state printing was today introduced and referred to Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.

REPORTS OF STANDING COMMITTEES.

McManus, from the Committee on Mines and Mining, reported as follows:

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

We, your Committee on Mines and Mining, having had under consideration House Bill No. 250, introduced by Miller of Park, being a Bill for an Act entitled "An Act to amend an Act approved March 18, 1891, entitled "An Act to create the office of Inspector of Coal Mines, and defining his duties, and providing for his salary, and providing for the penalties for violation thereof; making the coal mine inspector, "ex-officio," the sealer of weights and measures for coal mines; providing for his removal from office for cause; also providing for the payment of fees for inspection of coal mines. and inspection of coal mine scales, also defining the duties of said coal mine inspector, providing for his salary, and providing further for the violation thereof," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted. House Bill No. 250 re-referred to Committee on Mines and Mining.

Also:

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

Your Committee on Mines and Mining, having had under consideration House Bill No. 267, introduced by Seidler, being a Bill for an Act entitled "An Act providing for the establishment of wash houses at coal mines and providing for penalties for failure to comply with the same," beg leave to report same back to the House with the recommendation that the same do pass.

Report adopted.

Brownlee, from the Committee on Townships and Counties, reported as follows:

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 122, being a Bill for an Act entitled "An Act to provide for the payment of the actual expenses of County Assessors, incurred in the performance of official duty," report the same back to the House with the recommendation that it do pass as amended:

In Section 1, after the word "actual" insert the words "and necessary;" also after the word "incurred" in line 2 of said Section 1, insert the phrase "during the months of March, April, May and June of each year while;" also after the word "claim," in line 5, insert the word "thereof," and after the word "commissioners" insert the words "of their respective county, which

said verified claim must be supported by proper vouchers showing that such expense had been incurred while in the discharge of their official duty."

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee to which was referred House Bill No. 192, A Bill for an Act entitled "An Act to amend Section 606 of the Political Code of the State of Montana, relating to the practice of medicine or surgery contrary to law, providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of medicine or surgery," having had the same under consideration, respectfully report the same back to the House with the following amendments:

To amend Section 1, by striking out from said Section beginning with line 4 and ending with the word "days" immediately following the figures "(30)" in line 9, and inserting in lieu thereof the following words: "without first having obtained a certificate to practice, as provided by law, or after his certificate to practice has been revoked, or contrary to the provisions of this Act, shall for each violation of the provisions of this Code, or any Act relating to the practice of medicine or surgery in this State, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars nor less than two hundred and fifty dollars, or by imprisonment in the county jail not exceeding one year, nor less than ninety days."

Also to amend by adding to Section 1 of said Bill, the following: "Provided, however, that nothing in this section shall be construed to restrain or restrict any legally licensed osteopathic practitioner practicing under the laws of this State."

And recommend that the same as amended do pass.

Report adopted.

Mr. Speaker announced that he was about to sign Senate Bill No. 9, and signed the same in the presence of the House.

McManus, from the Committee on Mines and Mining, reported as follows:

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

Your Committee on Mines and Mining, having had under consideration House Bill No. 204, introduced by Blewett, being a Bill entitled a Bill for an Act providing for the appointment of a Board of Examiners, and for applicants for certain positions in and about coal mines, prescribing the duties and the term of office, and providing for the salary of such Board, beg leave to report the same back to the House with the recommendation that the same do pass as amended:

That all of Section 3 be stricken out, and insert in lieu thereof: "Certificates of qualification to mine superintendents, foremen and assistant foremen in the coal mines of Montana, shall be granted to each applicant by the Board of Examiners herein provided for, who has passed a successful examination. The certificates shall be in manner and form as shall be prescribed by the State Coal Mine Inspector, who shall keep a record in his department of all such certificates granted. Each certificate shall contain the full name

and age and birthplace of the applicant and also the length and nature of his previous service in the mines."

That Section 7, line 13, be amended by striking out the word "covered" and insert in lieu thereof the word "turned."

Report adopted.

COMMUNICATIONS AND PETITIONS.

A communication from F. H. Gwynne of Butte, relative to House Bills Nos. 138, 151, 185 and 120, was received and read.

NOTICES OF BILLS.

By Gray. A Bill for an Act to amend Sections 2350, 2351, and 2352, Code of Civil Procedure of the State of Montana, relating to the probate of foreign wills.

By Thompson of Sanders. A bill for an Act providing for a civil action on the part of the State for the abatement of public nuisances.

By Miller of Park. A bill for an Act to prohibit discrimination in charges of telephone rentals in different cities and villages and fixing a penalty for the violation thereof.

By Miller of Park. A Bill for an Act to prevent railroad corporations from unjust discrimination against telephone companies, and compelling said railroad companies to maintain telephones in their office.

By Committee on Sanitary Affairs. A Bill for an Act for preventing the manufacture and sale of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and providing for the administration and enforcement thereof, and for the creation of the office of State Chemist, prescribing and defining his duties, and fixing the salary and expenses of said office.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

Executive Office, Helena, Montana, Feb. 8, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

The following House Bills have been approved and deposited with the Secretary of State:

No. 29. An Act to appropriate moneys for the payment of mileage and per diem for the members of the Tenth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof.

No. 6. An Act to amend Section 1012 of the Political Code of the State of Montana relative to the time within which public officers shall file their oaths of office.

No. 14. An Act to provide for the reimbursement of Judges sitting in places of other Judges.

Substitute for House Bills 2 and 13. An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Yellowstone, Rosebud and Carbon, to change the boundaries of the Seventh Judicial District of the State of Montana, to change the boundaries of the Sixth Judicial District of the said State of Montana, to conform thereto, and

to provide for the appointment, powers and duties and compensation and term of office of said Judge of said Judicial District.

No. 61. An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Reform School.

No. 62. An Act making appropriation for the incidental expenses of the Tenth Legislative Assembly of the State of Montana.

No. 7. An Act to amend Section 2211 of Title VII, of Chapter I of Part 3, of the Code of Civil Procedure of the State of Montana, as amended by Senate Bill No. 104 of the Sixth Legislative Assembly, approved March 7, 1899, relating to the right of eminent domain.

No. 58. An Act to regulate the hours of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators and agents acting as operators, and to provide penalties and civil liabilities for the violation thereof.

No. 71. An Act appropriating money for the payment of certain deficiency claims in connection with the State Auditor's Office.

No. 72. An Act appropriating money for the payment of certain deficiency claims in connection with the State Examiner's Office.

No. 5. An Act authorizing the County Commissioners to vacate lots, streets and alleys, parks or boulevards in village plats when such village or townsite shall be abandoned and such lots, streets and alleys, parks and boulevards shall cease to be used for public purposes.

No. 15. An Act to amend Section 260 of the Code of Civil Procedure, relating to the drawing of juries, and the time at which they are required to attend court.

No. 32. An Act to provide for the inspection of cattle to be removed from the State of Montana.

No. 55. An Act authorizing the payment of certain claims for bounty and appropriating money from the State Bounty Fund for the payment thereof.

No. 63. An Act appropriating money for the payment of deficiency claims of the public printing for expenses incurred.

No. 64. An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans' Home at Twin Bridges, Montana.

No. 70. An Act appropriating money for the payment of deficiency claims of the State Encampment of 1905 of the National Guard of Montana.

No. 109. An Act appropriating money for the deficiency claim of certain persons for supplies furnished account of Farmers' Institute.

No. 110. An Act appropriating money for the payment of the claim of Board of Charities and Reform for expenses incurred.

No. 111. An Act appropriating money for the payment of certain deficiency claims in connection with the Adjutant General's Office.

No. 112. An Act appropriating money for the payment of certain deficiency claims in connection with the State Treasurer's Office.

J. K. TOOLE, Governor.

THIRD READING OF HOUSE BILLS.

House Bill No. 22, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—64.

Noes.—None.

Absent and not voting.—Cameron, Cato, Harden, Kirwan, Morris, Potter, Powers, Scallon and Selway—9.

Title agreed to.

Motion by Whiteside that history of House Bill No. 48 be corrected to show that it was referred to Committee on Agriculture and Horticulture instead of General Orders. Motion carried.

THIRD READING OF SENATE BILLS.

Senate Bill No. 6, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Campbell, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Ross, Scallon, Seidler, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilham, and Mr. Speaker.—53.

Noes.—Blewett, Burke, Longstaff, Root, Sherman, Warren, and Wilder.—7.

Absent and not voting.—Barbour, Cameron, Cato, Kirwan, Logan, Morris, O'Connor, Potter, Powers, Selway, Shaw, Harden and Whiteside.—13.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 38, introduced by Weed, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 129, introduced by Cameron, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by adding the words "or she" after the word "he" in line 5.

Amend Section 1 by adding after the word "college" in line 9, the words "or the State University providing such has taken Physicology and Method required in University Teacher's course."

Also having had under consideration House Bill No. 165, introduced by Seidler, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 180, introduced by Moore, by request, reports same back to the House with the recommendation that it be re-referred to the Committee on Education.

Also having had under consideration House Bill No. 37, introduced by Macaulay, reports same back to the House with the recommendation that it do pass as amended as follows:

Amend Section 1 by inserting after the word "lake," in line 2 thereof, the words "wherein there are any fish."

Amend Section 1 by striking out in line 4, the words "during any and all times that the same are," and inserting in lieu thereof, the words "from the 1st day of August, to the first day of November whenever such ditch is."

Amend Section 5, by striking out in line 33, the words "May 1st, 1907." and inserting in lieu thereof the words "January 1st, 1908."

Report adopted.

On motion of Bennett, the House took a recess until 2 P. M.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the chair.

REPORT OF SELECT COMMITTEE.

The following report was received and read:

Mr. Speaker:

Your Committee appointed to act with a like Committee from the Senate to wait upon the family of the late Governor P. H. Leslie and express the sympathy of this Assembly and ascertain their wishes in regard to a State funeral, beg to report that they have performed their duty and the arrangement with respect to the funeral is as follows:

The body will lie in state at the Baptist Church in this city from ten o'clock A. M. to two o'clock P. M. on Sunday the 10th instant, and at two o'clock P. M. the funeral will be held at the Baptist Church, that seats will be reserved for the members of this Assembly and the State Officers who are expected to attend in a body, after which the body will be interred in the Valley Cemetery.

Very respectfully submitted,

MARSHALL, Chairman House Committee.

Report adopted, and members requested to meet at the Grandon Hotel half an hour before the time set for the funeral, and proceed to the church in a body.

REPORTS OF STANDING COMMITTEES.

Allen, from the Committee on Ways and Means, reported as follows:

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Joint Memorial No. 2, introduced by Allen, authorizing the Secretary of State to exchange copies of Volumes 8 to 32 for copies of Volumes 1 to 7, with the firm of Bancroft, Whitney and Company, of San Francisco, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Ross, from the Committee on Labor, reported as follows:

Helena, Montana, Feb. 7, 1907.

Mr. Speaker:

Your Committee on Labor, having had under consideration House Bill No. 128, being a Bill entitled: A Bill for an Act entitled, "An Act prohibiting the employment of children in certain occupations under the age of sixteen years; providing for the registration of the age of all children; the issuance of an age certificate, and the disposition of the same; forbidding the employment of children in certain occupations without such certificate; providing for the enforcement of the provisions of this Act and providing penalties for the violation of the provisions thereof," beg leave to recommend that in Section 1, line 10, after the word "telegraph" the words "and telephone" be inserted. And further to recommend that the bill do pass as amended.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 153, entitled "A bill for an Act to amend Section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners, providing for the revocation of such certificates and prescribing the procedure on appeal from the action of the State Board of Medical Examiners," having had the same under consideration, respectfully report the same back to the House with the recommendation that it do pass.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 8th day of February, 1907:

House Bill No. 91. An Act appropriating money for the payment of deficiency claim of John J. Quinn for expenses incurred.

House Bill No. 92. An Act appropriating money for the payment of deficiency claims of certain persons for rewards.

House Bill No. 93. An Act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building.

House Bill No. 94. An Act appropriating money for the payment of deficiency claims for expenses of Attorney General.

House Bill No. 113. An Act appropriating money for the payment of deficiency claims of the Bureau of Child and Animal Protection for expenses incurred.

Mr. Speaker announced that he had signed House Bills Nos. 91, 92, 93, 94, and 113.

Shaw, from the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill No. 1 has been correctly printed.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 11, introduced by McCone, reports same back to the House with the recommendation that it be made a special order of business for Tuesday, February 12th.

Also having had under consideration House Bill No. 39, introduced by Wendel, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend line 2 of the title by inserting between the words "electric" and "light" the words "or other."

Also having had under consideration Senate Bill No. 7, introduced by Haviland, reports same back to the House with the recommendation that it be concurred in as amended; as follows:

Amend Section 1, by inserting in line 1 before the word "Republic" the words "Grand Army of the."

Amend Section 1, by inserting the word "United" before the word "Spanish" in line 6.

Amend Section 1, by inserting after the words "Knights of Pythias," lines 7 and 8, the words "or Labor Organization."

Also having had under consideration Senate Bill No. 30, introduced by Long, reports same back to the House with the recommendation that it be placed at the head of general orders for the first day to which the House shall adjourn.

Also having had under consideration Senate Bill No. 32, introduced by McCone, reports same back to the House with the recommendation that it be concurred in.

Report adopted.

REPORT OF STANDING COMMITTEE.

Shaw from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill No. 182 has been correctly printed.

On motion of Miller of Park House Bill No. 1 was placed at the head of General Orders.

The House resolved itself into a Committee of the Whole for the consideration of House Bill No. 1.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 1, introduced by Shaw, Tudor and Weed, reports same back to the House with the recommendation that it do pass, as amended, as follows:

Strike out the words "electric and street railroad companies engaged solely in the transportation of passengers, excepted," in lines 3 and 4 of Section 12, and insert in lieu thereof the words "and all common carriers."

Amend Section 11, lines 104 and 105, by striking out all of said Section after the word "State," in line 104.

Amend Section 16, lines 3 and 4, by striking out the words "by railroad, (street and electric railroads, engaged solely in the transportation of passengers excepted)."

Strike out all of Section 18 after the word "Board" in line 11 of said Section, and insert in lieu thereof the following: "No person shall be excused from attending or testifying, or producing any books, papers, documents, or any thing or things, before any court or magistrate, or commission or board, upon any investigation, proceeding or trial under the provisions of this Act or for any violation of any of them, upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him, may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence; and no testimony or evidence so given or produced shall be received against him upon any civil or criminal proceeding, action or investigation."

Report adopted by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Campbell, Corby, Cummings, Cutler, Decker, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Shaw, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Wilham, and Mr. Speaker.—52.

Noes.—Blewett, Burke, Cluston, Duncan, Fisher, Longstaff, Miles, O'Connor, Powers, Sherman, Swindlehurst, Warren and Whiteside and Wilder.—14.

Absent and not voting.—Brownlee, Cameron, Cato, Kirwan, Potter, Selway and Towers.—7.

Motion by Leighton, that when the House adjourn, it adjourn until Monday at 10:30 A. M. Motion carried.

On motion by Weed, the report of the Committee on Insurance on House Bill No. 175 was withdrawn, and House Bill No. 175 was referred back to the Insurance Committee.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 35, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 65, introduced by Hyndman, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 142, introduced by Macaulay, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 148, introduced by Committee on Sanitary Affairs, reports same back to the House with the recommendation that it be made a special order for next Monday, February 11th, at 2 o'clock.

Also having had under consideration House Bill No. 157, introduced by Walker, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1. by striking out in line 26, the words "Sixteen Hundred and Fifty Dollars," and inserting in lieu thereof the words "Fifteen Hundred Dollars."

Amend Section 1 by striking out in line 52 the words "and fifth," and inserting in lieu thereof the words "fifth and sixth," and in line 57 strike out the word "sixth."

Amend Section 1 by inserting between lines 56 and 57 the words: "Deputy Treasurer. Fifteen Hundred Dollars. Deputy Assessor, Fifteen Hundred Dollars."

Also having had under consideration House Bill No. 169, introduced by Whiteside, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House adjourned at 4:50 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRTY-SIXTH DAY

Monday, February 11, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Bennetts of Silver Bow, Brownlee, Campbell, Cato, Cutler, English, Gerber, Longstaff, Morris, Potter, Shaw. Bennetts, Brownlee, Campbell, Cato, Cutler, Morris and Potter excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Friday, February 8, and believe same to be correct.

Report adopted.

REPORT OF STANDING COMMITTEE.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 1 correctly engrossed.

MOTIONS AND RESOLUTIONS.

Motion, by Marshall, that the rules be suspended and that House Bill No. 1 be read third time and placed on its final passage.

Whiteside moved to recommit House Bill No. 1 to the Committee of the Whole, with instructions to amend Section 1 by striking out in line 4, after the word "state" the remaining words of the line, all of line 5 and all of line 6, and inserting in lieu thereof, the words "The Board of Railway Commissioners shall be appointed by the Governor with the consent of the Senate and shall be removed by him for cause."

Whiteside demanded a roll call.

Bennet and others demanded a call of the House.

Motion, by Swindlehurst, that call of the House be suspended. Motion carried.

Roll was called and the motion of Whiteside to recommit and amend House Bill No. 1 was lost by the following vote:

Ayes.—Blewett, Burke, Cluston, Duncan, Fisher, Miles, O'Connor, Powers, Sherman, Swindlehurst, Towers, Warren, Whiteside, Wilder, Wilham.—15.

Noes.—Allen, Barbour, Beckwith, Bennet of Madison, Blake, Boorman, Brewster, Cameron, Corby, Cummings, Decker, Farmer, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Root, Ross, Scallon, Selway, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel and Mr. Speaker.—45.

Absent and not voting.—Bennetts of Silver Bow, Brownlee, Campbell, Cato, Cutler, English, Gerber, Kirwan, Longstaff, Morris, Potter, Seidler, Shaw.—13.

Whiteside moved to recommit House Bill No. 1 to the Committee of the Whole with instructions to amend Section 11, line 93, by inserting after the words "express companies," the words "refrigerator car companies."

Bennet moved the previous question.

Previous question was put and carried.

The question then recurring on last above motion of Whiteside, the motion of Whiteside was lost by the following vote:

Ayes.—Blewett, Burke, Cluston, Duncan, Fisher, Miles, O'Connor, Powers, Sherman, Swindlehurst, Warren, Whiteside, Wilder, Wilham.—14.

Noes.—Allen, Barbour, Beckwith, Bennet of Madison, Blake, Boorman, Brewster, Cameron, Corby, Cummings, Decker, Farmer, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel and Mr. Speaker.—47.

Absent and not voting.—Bennetts of Silver Bow, Brownlee, Campbell, Cato, Cutler, English, Gerber, Kirwan, Longstaff, Morris, Potter, and Shaw.—12.

Whiteside offered certain further amendments to House Bill No. 1.

Mr. Speaker declared him out of order.

The decision of the chair was appealed from, and decision sustained by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Blake, Boorman, Brewster, Cameron, Corby, Cummings, Decker, Farmer, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel.—47.

Noes.—Blewett, Burke, Cluston, Duncan, Fisher, Miles, O'Connor, Powers, Sherman, Warren, Whiteside, Wilder and Wilham.—13.

Absent and not voting.—Bennetts of Silver Bow, Brownlee, Campbell, Cato, Cutler, English, Gerber, Kirwan, Longstaff, Morris, Potter, Shaw, and Mr. Speaker.—13.

Vote then recurring on original motion of Marshall, that rules be suspended and that House Bill No. 1 be placed on its third reading for final passage, the motion carried.

House Bill No. 1 having been read three several times was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Blake, Boorman, Brewster, Cameron, Corby, Cummings, Decker, Farmer, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, and Mr. Speaker.—49.

Noes.—Blewett, Burke, Cluston, Duncan, Fisher, Miles, O'Connor, Powers, Sherman, Warren, Wilder and Wilham.—12.

Absent and not voting.—Bennetts of Silver Bow, Brownlee, Campbell, Cato, Cutler, English, Gerber, Kirwan, Longstaff, Morris, Potter, Shaw.—12.
Title agreed to.

COMMUNICATIONS AND PETITIONS.

A petition signed by a number of residents of Sanders County, protesting against the passage of House Bill No. 52, was read and referred to Committee on Townships and Counties.

NOTICES OF BILLS.

By Duncan. A bill for an Act entitled an Act relating to the confiscation by a railroad or railway company of coal or other merchandise, and providing penalties for the violation of this Act.

By Barbour. A bill for an Act to amend Section 607 of the Political Code of the State of Montana, relating to the fees of candidates for examination for license to practice medicine and surgery in the State of Montana, and application therefor.

By Bennet. A bill for an Act entitled "An Act regulating the sale and providing for the inspection of oils used for illuminating and heating purposes and in automobiles, establishing a standard test therefor, and prescribing penalties.

By Seidler. A Bill for an Act to amend Section 670 of Chapter I. Title IV, of the Civil Code, relating to Insurance Companies.

By Cameron. A bill for an Act to amend Sections 494, 495, 496, 497, 498, and 499, of the Political Code of Montana, as amended by Chapter C. Acts of 1903, relating to the State Examiner's Office, and fund.

By Cameron. A bill for an Act to amend Section IV, of Chapter XXII, of the Laws of 1905, and for adding to said Act a section to be numbered Section 6A, relating to public scales.

By Gray. A bill for an Act to require the contractor or head physician of the State Insane Asylum to make a monthly report to the District Courts showing the condition of each person committed to the said Asylum by the different courts.

By Greene. A bill for an Act to prohibit the playing on Sunday of baseball, football, and cricket, within a distance less than one mile from the limits of any town of three hundred population or more

By Macaulay. A bill for an Act entitled "An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and compensation thereof, and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana."

By Blake, by request. A bill for an Act to regulate the practice of barbering in the State of Montana.

By Allen. A bill to define and regulate the practice of osteopathy in the State of Montana, and provide for the punishment of violations thereof.

By Marshall. A bill to amend Section 2007 of the Penal Code relating to trials in criminal cases.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 165, correctly engrossed.

Logan, from the Committee on Fish and Game, reported as follows:

Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration House Bill No. 68, report the same back with the recommendation that it be indefinitely postponed.

Report rejected and bill ordered printed.

COMMUNICATIONS AND PETITIONS.

The following communication was read:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

I am authorized by the high contracting parties to extend to the Tenth Legislative Assembly and attaches and State Officers, an invitation to attend at the Catholic Church in the City of Helena, at 9 o'clock A. M. on Tuesday, the 12th inst., and witness the solemnization of the rites of matrimony between the Hon. Patrick H. Griffin of Powell County, with Miss Nellie O'Connor of the City of Helena, Lewis and Clark County, Montana.

And now move that the same be accepted, and that our cordial congratulations are hereby extended to them, as well as our best wishes for their future happiness and prosperity, and that this motion and invitation be communicated to the Senate for its appropriate action thereon.

MARSHALL.

Invitation accepted unanimously.

On motion, the House took a recess at 12:10 P. M. to meet at 2 P. M.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 129, 157, 35, 65, 39, 169, correctly engrossed.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 211, A bill for an Act making towns and cities liable for all damages to persons, teams or vehicles passing over grade crossings of railroad tracks on generally traveled streets when the town or city council has not required the railroad company to keep a watchman at such crossings to

warn persons of danger, respectfully report the same back to the House with the recommendation that the same be referred to the Judiciary Committee.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 244. A Bill for an Act entitled An Act to prohibit the giving of free tickets, free passes, or free transportation by common carriers, in this state to certain public officials, and to prohibit the giving or granting of franks or free privileges or special privileges by common carriers, express companies, telegraph companies and telephone companies, to certain public officials, and fixing the penalties for the violation thereof, very respectfully report that it has had the same under consideration and recommends that the further consideration of the same be indefinitely postponed.

Motion by Walker that report be adopted.

Substitute motion by Whiteside that House Bill No. 244 be ordered printed.

Substitute motion carried and House Bill No. 244 was ordered printed.

Scallon, from the Judiciary Committee reported as follows:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. Two Hundred and Three, entitled "A Bill for an Act providing for the payment of lost certificates of deposit and other evidence of death or liability, where the persons to whom the same were issued have died intestate and without any known heirs or next of kin," recommend that said bill be indefinitely postponed.

House Bill No. 203 was re-referred to Judiciary Committee.

Also:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. Two Hundred and Thirty, entitled "A bill for an Act entitled "An Act to amend Section 866 of the Civil Code of the State of Montana, relating to the renewal of mortgages of personal property as amended by Chapter IV, Laws of 1903, approved March 4, 1903, and as amended by an Act of the Legislative Assembly of the State of Montana, approved February 28, 1905; and to amend Section 865 of the Civil Code of the State of Montana, relating to the period of time for which mortgages of personal property shall be valid," recommend that said bill be amended as follows:

Amend Section 2 of said Act by striking out the words "Section 1 of this Act," on line 14. of said Section, and in lieu thereof insert "the next section."

Also by striking out the paragraph thereof commencing with the words "provided that whenever any debt."

And as so amended, the bill do pass.

Report adopted.

Also:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 17, entitled: "An Act authorizing and directing the transfer of all records and papers in any action or proceeding affecting real property in any new county heretofore created, or hereafter created, and providing the method of transferring and certifying such records," recommend that said bill be concurred in.

Report adopted.

Also:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 16, entitled: "A bill for an Act entitled 'An Act to amend Section 4 of an Act entitled 'An Act relating to municipal indebtedness, and repealing Sections 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980 and 4981, of the Political Code of the State of Montana,' approved March 6, 1897," recommend that said bill be concurred in.

Report adopted.

Also:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 221, entitled "A Bill for an Act to add to Article VI, Chapter III, Title I, Part three of the Political Code, a section to be numbered 428, providing for the cancellation by the State Auditor, at the expiration of a specified period, of all warrants returned or uncalled for," recommend that Section 1 of said bill be amended by inserting on line 5 of said Section, after the word "cancelled" and between the quotation marks, the following words "because not claimed."

Also on lines 18 and 19 of said Section 1, strike out the words "should the owner of any cancelled warrant, as hereinbefore described," and in lieu thereof insert: "Should a person."

Also on lines 20 and 21, strike out the words "upon satisfactory written evidence of the ownership of the same," and in lieu thereof insert: "upon a satisfactory showing that such person is the holder of the claim and is entitled to receive the warrant."

That when so amended the said bill do pass.

Report adopted:

Also:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 66, entitled "A Bill for an Act entitled 'An Act concerning the taxation of real estate encumbered by mortgage, deed of trust, contract, or other evidence of indebtedness,'" recommend that the said bill be indefinitely postponed.

Report adopted:

Also:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 228, entitled "A Bill for an Act entitled 'An Act to amend Sections 132 and 134 of the Civil Code of the State of Montana, and to amend Article II of Chapter II of Title I, of Division I of said Civil Code by adding thereto a section to be numbered Section 147, which Section 147 defines incompatibility of temper as cause for divorce.'" recommend that Section 1 of said bill be amended as follows:

On line three of said Section, strike out the word "divorces" and in lieu thereof insert: "Absolute divorces, or separations from bed and board, or decrees for separate maintenance."

Also that Section 2 thereof be amended by striking out the following words "or repeated and frequent abuse of one party to the marriage, by the other, by the use of violent, coarse, vulgar, profane, or obscene language, under such circumstances and in such manner as to justly shock and wound the sensibilities of the parties so abused."

That when so amended the bill do pass.

Report adopted:

Also:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 219, entitled "A Bill for an Act to protect stockholders and other persons dealing with corporations in this State, and to provide punishment for the violation of any of the provisions of this Act," recommend that the said bill be amended as follows:

On lines 8 and 9 of Section 1, leave out the words "or wilfully and fraudulently exaggerated."

On lines 10 and 11, leave out the words "or prospects."

On line 11, after the word "document" and before the word "intended," insert the word "fraudulently."

On line 15, between the words "generally" and "shall" insert "knowing the same to be false, or having no reason to believe the same to be true."

On lines 16 and 17, strike out the words "State Prison or a."

On line 17, strike out the word "two" and insert in lieu thereof the word "one."

That when so amended said bill do pass.

Report adopted:

Also:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. One Hundred and Thirty-one, entitled "A Bill for an Act entitled 'An Act requiring all mortgages, bonds, for deeds, deeds of trust, contracts for the sale or purchase of property and assignments, to show the true name and residence of the parties thereto, and in case such parties are non-residents, requiring certain affidavits to be made a part thereof, and fixing penalties for

making false statements therein," recommend that said bill be amended by striking out the words "Bonds for Deeds, Deeds of Trust, Contracts for the Sale or Purchase of Property," where the same appear in the title thereof, and in lieu thereof insert the words "or other instrument given for the security of a debt or obligation."

Also strike out the words "bond for deed, deed of trust, or contract for the sale or purchase of property" wherever the same appear in the body of said bill and insert in lieu thereof the words "or other instruments given for the security of a debt or obligation."

That as so amended, the bill do pass.

Report adopted.

Mr. Speaker announced that he was about to sign Senate Bill No. 4, and signed the same in the presence of the House.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 249, 161, 167, Substitute for 19, 44, 206, 207, 208, 209, 210, 217, 232, 235, 234, 47, 237, have been correctly printed.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 253, introduced by Bennet, being a Bill for an Act entitled An Act defining the crime of burglary with explosives and fixing punishment therefor, beg leave to refer same back to the House with the recommendation that it do pass.

Report adopted:

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 272, introduced by Moore, being a bill for an Act entitled, An Act to provide for a commissioner to compile and revise the Codes and other laws of Montana, to provide for the publication of the Codes, to provide for the compensation of such commissioner and to make an appropriation therefor, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 271, introduced by Allen, being a Bill for an Act entitled, An Act relating to banking, brokerage, exchange, loan and deposit business and amending Section 986 of the Penal Code of the State of Montana, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Blake, from the Committee on Privileges and Elections, reported as follows:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 125, introduced by Maxwell, being a Bill for an Act entitled An Act to provide that qualified electors of the State of Montana may vote in any precinct in this State where their duties call them on election day, beg leave to report the same back to the House with the following amendments:

A Section to be known as "Section 3," to be added which shall be as follows: "Section 3. Whenever a Registration Certificate is issued in accordance with the provisions of Section 2 of this Act, a notation to that effect must be recorded on the Registration Book, opposite the name of the elector in whose favor said Registration Certificate is issued, and said elector will not be permitted to vote in the precinct from which said Registration Certificate was issued without first surrendering to the Judges of Election the aforesaid Registration Certificate." The succeeding sections to be changed so numbers will read accordingly.

Section 8 to be amended to read as follows: "It shall be the duty of the County Clerk of each County to furnish the County Clerk of each other County in this State, at least twenty (20) of the official ballots of his County, and it shall be the duty of County Clerks to provide a supply of ballots for use in their respective counties in carrying out the provisions of this Act."

With the amendments as above specified, we recommend that the bill do pass.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 57 correctly engrossed.

NOTICES OF BILLS.

By Brewster. A bill for an Act entitled: "An Act to amend Section 950 of the Civil Code, as amended by Chapter 29 of the Laws of 1905, approved February 1st, 1905."

By Scallon. A bill for an Act entitled, "An Act regarding the assessment of property and collection of taxes, and proceedings before County Boards of Equalization, the duties of Assessors in carrying out orders of the Board of Equalization, and providing for review by the District Court of proceedings of the County Boards of Equalization and also appeals to the Supreme Court from the District Court, and for the enforcement and carrying into effect of the orders or judgment of the court."

By Marshall. A bill for an Act providing for an additional Judge of the District Court in the Fourth Judicial District.

Allen, Chairman of Select Committee appointed to investigate shortage of coal, made an oral report of such Committee.

Motion by Miller of Lewis and Clark, that the Committee make a

written report to the House not later than Friday, as to their action and the expenses incurred. Carried.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Scallon, H. B. No. 278. A Bill for an Act to amend Section 1060 of the Code of Civil Procedure of the State of Montana, relating to challenges of jurors.

By Scallon, H. B. No. 279. A Bill for an Act entitled "An Act providing for a commission for the promotion of uniformity of legislation in the United States, and for the payment of the necessary expenses of the members of such commission."

By Committee on Sanitary Affairs, H. B. No. 280. A Bill for an Act for preventing the manufacture and sale of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and providing for the administration and enforcement thereof, and for the creation of the office of State Chemist, prescribing and defining his duties and fixing the salary and expenses of said office.

By Hess, H. B. No. 281. A Bill entitled "An Act to regulate plumbing in cities in the State of Montana, providing for licensing of persons to carry on the business and work of plumbing, creating a board of plumbing examiners, fixing the compensation of plumbing examiners, and providing penalties for violation of the same.

By Towers, by request, H. B. No. 282. A Bill for an Act approving certain duplicate bounty certificates and appropriating money for the payment thereof.

By Gray, by request, H. B. No. 283. A Bill for an Act entitled "An Act to amend Sections 2350, 2351 and 2352 of the Code of Civil Procedure of the State of Montana, relating to the probate of foreign wills."

By Gray, H. B. No. 284. A Bill for an Act entitled, "An Act to amend Sections 280 and 282 of the Code of Civil Procedure of Montana, relating to the summoning of Jurors."

By Gerber, H. B. No. 285. A Bill for an Act to amend Section 4807 of the Political Code, relating to the contracts of Municipal Corporations.

By Bennetts, H. B. No. 286. A Bill for an Act authorizing Board of County Commissioners in counties of the first class to establish and maintain a Law Library, and to provide for its care and maintenance.

By Seidler, H. B. No. 287. A Bill for an Act to appropriate moneys out of the Fish and Game Fund for the extermination of carp in the Missouri River and its tributaries.

By Thompson of Sanders, H. B. No. 288. A Bill for an Act providing for a civil action on the part of the State for the abatement of public nuisances.

By Miller of Park, H. B. No. 289. A Bill for an Act to prohibit discrimination in the charges of telephone rentals in different cities and villages and fixing the penalty for violation thereof.

By Weed, H. B. No. 290. A Bill for an Act providing for the appointment of a special examiner to inquire into and investigate the affairs and conditions of private banks, bankers or any banking corporations or other cor-

porations, whether foreign or domestic, doing business in the State of Montana, and prescribing his powers and duties.

By Miller of Park, H. B. No. 291. A Bill for an Act to require railroad and express companies, doing business in the State of Montana, to maintain telephones in its offices, and to answer calls made over such telephone connection during business hours, and to provide a penalty for the violation of the provisions of this Act.

Shaw requested that the Journal be made to show that he was unavoidably absent this morning when the vote was taken on House Bill No. 1, and that if he had been here he would have voted "aye."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 278, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 279, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 280, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 281, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 282, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 283, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 284, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 285, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 286, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 287, read first and second times in full and referred to Committee on Fish and Game.

H. B. No. 288, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 289, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 290, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 291, read first and second times by title only, and referred to Committee on Railroads and Transportation.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 3, by Edwards, relating to permits for grazing

stock on the public domain, was this day introduced and referred to Committee on Stock Growing and Grazing.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb 8, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the following Bills were this day received:

By Haviland, by request. A bill for an Act to amend Section 1310 and 1311 of the Code of Civil Procedure of the State of Montana, relating to parties to actions to Quiet Title.

By McLean. A bill for an Act entitled "An Act to protect owners of horses and to cause the inspection of the same before removal from one county to another or beyond the boundaries of the State of Montana.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, and read first and second times:

S. B. No. 80, by McLean. A Bill for an Act to provide for the restoration to the public domain of certain lands heretofore withdrawn from settlement, upon application of the State of Montana under the provisions of an Act of Congress approved August 18, 1894, entitled "An Act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," and amendments thereto; to abolish the Carey Land Act Board and office of State Engineer, and to authorize the State Board of Land Commissioners to carry out the unfinished business of said Carey Land Act Board, and to repeal Chapter 114 of the Laws of 1903, and Chapter 85 and Chapter 105 of the Laws of 1905. Referred to Committee on Public Lands.

S. B. No. 81, by Miles. A bill for an Act providing for the parole of prisoners confined in the State Prison, and authorizing the State Board of Prison Commissioners to grant paroles to such prisoners, subject to certain conditions and regulations to be provided by the said Board. Referred to Committee on Judiciary.

S. B. No. 82, by McLean. A bill for an Act entitled "An Act to prohibit the issuance of a license to any person, corporation or association for the conduct of a wholesale liquor dealer's business in any Town, City, Camp or Village, having a population of less than one hundred." Referred to Committee on Finance and Claims.

S. B. No. 83, by Edwards. A bill for an Act entitled "An Act for the submitting to the electors of the State of Montana, an amendment to Section 9 of Article XI, of the Constitution of the State of Montana, relating to the rate of taxation for State purposes.

S. B. No. 84, by McLean. A bill for an Act entitled "An Act regulating public live stock markets and providing for the inspection of all live stock

sold at such markets at auction or otherwise." Referred to Committee on Stockgrowing and Grazing.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 25 was this day read third time and passed and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Concurrent Resolution No. 5, introduced by Marshall, was read and adopted by the Senate, and is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 49, 67, 79, 84 and 95 were this day concurred in, and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 8, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a copy of Senate Joint Resolution No. 2, which was today adopted by the Senate, is herewith transmitted to the House for its joint adoption.

Respectfully,

H. K. HOWRY, Secretary.

READING OF SENATE BILLS.

S. B. No. 25, read first and second time by title only, and referred to Committee on Corporations Other Than Municipal.

Senate Joint Resolution No. 2 was read first time, and referred to Committee on Ways and Means.

THIRD READING OF HOUSE BILLS.

House Bill No. 165, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Blake, Blewett, Brewster, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fisher, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers,

Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker, and Bennetts of Silver Bow.—60.

Noes.—None.

Absent and not voting—Boorman, Brownlee, Cato, Farmer, Gerber, Griffin, Logan, Longstaff, Morris, Macaulay, O'Connor, Ross, and Tudor.—13.

Title agreed to.

House Bill No. 35, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Goff, Greene, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham.—60.

Noes.—Harbordt.—1.

Absent and not voting—Barbour, Brownlee, Campbell, Cato, Gerber, Gray, Griffin, Longstaff, Morris, O'Connor, Tudor and Mr. Speaker.—12.

Title agreed to.

House Bill No. 39, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fisher, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Barbour, Brewster, Brownlee, Cato, Farmer, Gerber, Griffin, Longstaff, Morris, McManus, Macaulay, Potter, Tudor and Warren.—14.

Title agreed to.

House Bill No. 65, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swin-

dlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—64.

Noes.—Potter, 1.

Absent and not voting.—Brownlee, Cato, Gerber, Gray, Griffin, Morris, Towers, and Tudor.—8.

Title agreed to.

House Bill No. 129, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Boorman, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, English, Farmer, Fisher, Goff, Greene, Gray, Harbordt, Harden, Hess, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—56.

Noes.—Bennett of Madison, Blewett, Brewster, Decker, Duncan, Hyndman, Selway, Thompson of Sanders, Warren and Wilder.—10.

Absent and not voting.—Brownlee, Cato, Gerber, Griffin, Longstaff, Morris, and Tudor.—7.

Title agreed to.

Motion by Miller of Lewis and Clark that House Bill No. 157 be re-committed to Committee of the Whole. Motion carried and House Bill No. 157 so referred.

THIRD READING OF SENATE BILLS.

Senate Bill No. 32, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Bennet of Madison, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Goff, Greene, Gray, Harbordt, Harden, Hyndman, Kirwan, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Warren, Weed, Wendel, Wilham and Mr. Speaker.—51.

Noes.—Potter, Scallon, Seidler and Wilder.—4.

Absent and not voting.—Barbour, Beckwith, Bennetts of Silver Bow, Brownlee, Cato, Gerber, Griffin, Hess, Leighton, Longstaff, Miles, Moore, Morris, Selway, Swindlehurst, Tudor, Walker and Whiteside.—18.

Title agreed to.

Senate Bill No. 6, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Burke, Campbell, Cameron, Cummings, Cutler, Decker, English, Farmer, Goff, Greene, Gray, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, McManus, Macaulay, Patten, Ross, Scallon, Seidler, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, and Mr. Speaker.—45.

Noes—Blewett, Cluston, Duncan, Kirwan, Miles, O'Connor, Powers, Root, Sherman, Swindlehurst, Warren, Wilder and Wilham.—13.

Absent and not voting.—Allen, Brownlee, Cato, Corby, Fisher, Gerber, Griffin, Harbordt, Leighton, Longstaff, Moore, Morris, Potter, Tudor, White-side.—15.

Title agreed to.

On motion by Miller of Lewis and Clark, Senate Bill No. 7 was re-committed to the Committee of the Whole.

THIRD READING OF HOUSE BILLS.

House Bill No. 37, having been read three several times, was defeated by the following vote:

Ayes.—Allen, Barbour, Bennet of Madison, Blake, Boorman, Burke, Campbell, Cluston, Cummings, Cutler, English, Farmer, Greene, Hess, Hyndman, Logan, Manchester, Miller of Lewis and Clark, Macaulay, Scallon, Seidler, Shaw, Towers, Weed, Wendel and Mr. Speaker.—26.

Noes.—Beckwith, Bennetts of Silver Bow, Blewett, Brewster, Brownlee, Cameron, Decker, Duncan, Fisher, Harbordt, Harden, Kirwan, Kroger, Leighton, Marshall, Maxwell, Miles, Miller of Park, Morgan, McDonald, McManus, O'Connor, Patten, Potter, Powers, Root, Ross, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Warren, White-side, Wilder, and Wilham.—37.

Absent and not voting.—Cato, Corby, Gerber, Goff, Gray, Griffin, Longstaff, Moore, Morris, and Tudor.—10.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Macaulay in the chair.

House resumed.

Mr. Speaker in the chair.

Macaulay, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 30, introduced by Long, by request, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 2, line 16, by striking out the word "fifteen" and inserting in lieu thereof the word "thirteen."

Amend Section 3, line 26, by striking out the words "Secretary of State" and inserting in lieu thereof the following: "State Auditor. The copy of Articles of Incorporation filed with the State Auditor shall first be certified by the County Clerk as being a true and correct copy of the Articles filed with such County Clerk."

Amend Section 4, line 31, by striking out the words "County Clerk and Recorder," and inserting in lieu thereof the words "State Auditor."

Amend Section 5, line 36, by striking out the words "Secretary of State," and inserting in lieu thereof the words "State Auditor."

Amend Section 7, by striking out all of sub-division 2 of said Section, and inserting in lieu thereof the following: "The date of the annual meeting of the members, at which directors shall be elected, provided that each member shall be permitted to cast one vote either in person or by proxy for

each director to be elected, and each member shall be permitted to cumulate his votes for one or more directors, not exceeding the number to be elected."

Also amend Section 7, by striking out all of sub-division 6, and inserting in lieu thereof the following: "The manner and time of giving notice of all annual and special meetings of the members."

Amend Section 12, by adding the following: "A true copy of said statement verified by the County Clerk shall be sent by mail to the State Auditor who shall file the same in his office, and said State Auditor shall have and is hereby granted authority to, at any time, investigate and examine the affairs and books of any such corporation, or such examination may be made by the State Examiner who shall report his findings to the State Auditor."

Amend Section 17, by adding to said Section the following: "Provided, however, that the provisions of this Section shall not apply to the election of directors."

Amend Section 19, by adding thereto the following: "except as provided in this Act."

Amend Section 20 by adding the following: "No insurance shall be written or taken by any such corporation within the limits of any incorporated town or city."

Insert a new section between Sections 20 and 21, as follows: "Nothing in this Act shall be construed as being in conflict with, or repealing any law or act relating to the licensing of insurance companies."

Amend all Sections following Section 20, by numbering said Sections in consecutive order.

Also having had under consideration House Bill No. 148, introduced by Committee on Sanitary Affairs, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 7 by striking out in line 36 the words "the" and "permit" and inserting in lieu thereof the words "duplicate burial permits."

Amend Section 10, by striking out in line 54 the words "the permit" and inserting in lieu thereof the words "one of the permits." Also amend line 55, after the word "permits" by inserting the words "so endorsed."

Also having had under consideration House Bill No. 182, introduced by Committee on Sanitary Affairs, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 7 by striking out in line 92, after the word "provided" the word "that."

Amend Section 7 by striking out in line 93, the words and figures "Three Thousand Dollars (\$3,000)" and inserting in lieu thereof the words "Two Thousand Dollars (\$2,000)."

Amend Section 9, by inserting in line 111, after the word "named" the words, "in towns, or cities, of one thousand or more inhabitants."

Amend Section 11, by striking out all from the words "the physician" in line 136, to the word "officer" inclusive; in line 138, and inserting in lieu thereof the words "The Board shall elect one of its members as Secretary."

Amend Section 14, by striking out in line 173, after the word "judgment" the words "or that of," and inserting in lieu thereof the words "and approval in writing by."

Amend Section 14, by striking out in line 175, after the word "health" the words "and safety."

Amend Section 16, by inserting in line 186, after the word "health" the word "to."

Amend Section 16 by striking out in line 194 the word "and," between the words "Towns" and "Cities," and by inserting a comma after the word "Towns."

Amend Section 16, by striking out in line 194, after the word "cities" the word "may."

Amend Section 25 by striking out in line 281 the first word "The," and substitute the word "To" in lieu thereof; and also strike out the word "to" in the same line.

Amend Section 27 by inserting the word "and" between the words "meningitis" and "measles," in line 301, and strike out the rest of the Section after the word "measles" in line 301.

Amend Section 27 by inserting in line 304, after the word "measles" the words "including whooping cough and chicken pox."

Amend Section 29 by striking out in line 310, after the word "knows" the words "or has reason to believe."

Amend Section 35 by inserting between the words "or" and "shall," in line 348, the words "who being the owner."

Amend Section 36, by inserting after the word "judge," in line 361, the words "upon that evidence, and such other evidence as the judge may receive on a hearing at which all parties in interest may be heard and present evidence if they desire."

Report adopted.

On motion of Miller of Lewis and Clark, the House adjourned at 6:35 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRTY-SEVENTH DAY

Tuesday, February 12, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Blake, Barbour, Burke, Cato, Farmer, Griffin, Kirwan, Longstaff, Marshall, Miles, Morris, and Selway. Griffin excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Monday, February 11, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

A communication, signed by numerous residents of Ravalli County, relative to House Bill No. 138, was read and referred to Committee on Education.

NOTICES OF BILLS.

By Harden. A bill for an Act to amend Section 875 of the Political Code as amended by Senate Bill No. 75 of the Laws of 1897, relating to the salary of the Clerk of the Supreme Court, and to increase the salary of the State Superintendent of Public Instruction.

By Cameron. A bill for an Act amending Section 654 of the Political Code of the State of Montana, relating to the sale of poisons.

By Gray. A bill for an Act to prohibit any candidate's name appearing more than once on any official ballot.

By Allen. A bill for an Act entitled, An Act to submit to the qualified electors of Montana, at the next general election an amendment to Section 13, Article XII, of the Constitution of Montana, relating to the safe keeping and management of the public funds in the hands of the State Treasurer.

By Allen. A Bill for an Act entitled, An Act to amend Section 446, Article 7, Chapter 3, of the Political Code of Montana, relating to an increase in the salary of the State Treasurer.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:
Feb. 12, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 162. A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals, under provisions of Sections 3005 and 3006 of the Political Code of the State of Montana," having had same under consideration, respectfully recommend that the same do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Scallon, H. B. No. 292. A Bill for an Act entitled, "An Act regarding the assessment of property and collection of taxes, and proceedings before county boards of equalization, the duties of assessors in carrying out orders of the board of equalization, and providing for appeals to the District Court from the county boards of equalization and also to the Supreme Court from the District Court, and for the enforcement and carrying into effect of the orders or judgment of the court."

By Allen, H. B. No. 293. A Bill for an Act entitled: "An Act to amend Sections 8 and 12 of Chapter 51 of the Laws of 1905, relating to the practice of osteopathy contrary to law in the State of Montana, and providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of osteopathy.

By Duncan, H. B. No. 294. A Bill for an Act entitled An Act relating to the confiscation by a railroad or railway company of any coal or other

merchandise, and to provide penalties for the violation of the provisions of this Act.

By Greene, H. B. No. 295. A bill for an Act entitled: "An Act to prohibit the playing on Sunday of baseball, football and cricket, within a distance less than one mile from the limits of any town of three hundred population or more."

By Cameron, H. B. No. 296. A Bill for an Act to amend Sections 494, 495, 496, 497, 498, and 499, of the Political Code of Montana as amended by Chapter C, Acts of 1903, relating to the State Examiner's Office and fund."

By Cameron, H. B. No. 297. A Bill for an Act to amend Section IV, of Chapter XXII, of the Laws of 1905, and for adding to said Act a Section to be numbered Section 6 A, relative to public weighers and public scales.

By Scallon, on recommendation of Commissioners on Uniform State Laws, H. B. No. 298. A Bill for an Act entitled "An Act embodying the law of sales of goods and to make uniform the law relating thereto."

By Brewster, H. B. No. 299. A Bill for an Act to amend Section 950 of the Civil Code, as amended by Chapter 29 of the Laws of 1905, approved February 1st, 1905.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 292, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 293, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 294, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 295, read first and second times by title only, and referred to Committee on Education.

H. B. No. 296, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 297, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 298, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 299, read first and second times by title only, and referred to Committee on Railroads and Transportation.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that S. B. No. 40 was read third time and passed with amended title, and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Mr. Speaker:

Helena, Montana, Feb. 11, 1907.

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced:

H. B. No. 22, by McDonald. Read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 1, by Shaw, Tudor and Weed. Under suspension of rules, read first and second times by title only, and referred to Committee on Railroads and Transportation.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 35 and 46, and S. J. R. No. 1, were this day read third time and passed, and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

I am directed by the President to inform your Honorable Body that the following bills were this day introduced and read first and second times:

By McLean, S. B. No. 85. A Bill for an Act entitled "An Act to protect owners of horses, mules and asses, and to cause the inspection of the same before removal from one county to another or beyond the boundaries of the State of Montana. Referred to Committee on Stockgrowing and Grazing.

By Haviland, S. B. No. 86. A Bill for an Act to amend Sections 1310 and 1311 of the Code of Civil Procedure of the State of Montana, relating to parties to action to quiet title." Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of introduction of bills were this day given:

By Martien. A bill for an Act to amend Section 449 of the Political Code of the State of Montana, relating to the bond of State Treasurer.

By Annin. A Bill for an Act entitled "An Act to create the county of Roosevelt, by designating and defining its boundaries, and to provide for its organization and government, and to apportion the indebtedness existing between the said County of Roosevelt and the Counties of Carbon, Sweet Grass and Yellowstone."

By Haviland, (by request). A Bill for an Act to encourage the cultivation of fish and providing for their ownership and sale.

Respectfully,

H. K. HOWRY, Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 160, having been read three several times, was passed by the following vote:

Ayes.--Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow.

Blewett, Brownlee, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—52.

Noes.—None.

Absent and not voting.—Barbour, Blake, Boorman, Brewster, Burke, Cato, Corby, English, Farmer, Griffin, Kirwan, Marshall, Maxwell, Miles, Morris, O'Connor, Selway, Towers, Tudor, Warren and Longstaff.—21.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Cutler, from the Committee on Libraries, reported as follows:

Mr. Speaker:

We, your Committee on Libraries, beg leave to submit House Bill 181 as favorably considered and recommend its passage.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Helena, Montana, Feb. 11, 1907.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 199, A Bill for an Act entitled: "An Act to amend Sections 3000 and 3013, of the Political Code, and the Acts amendatory thereof, relating to the appointment of a State Veterinary Surgeon, his qualifications and salary," recommend that the same do pass.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

I hereby beg leave to report that Substitute for House Bill 45 as amended, 159, 236 and 174 have been correctly printed.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration Substitute for House Bill No. 50, introduced by Committee on Affairs of Cities on request of Manchester, being a Bill for an Act entitled: "An Act to prohibit the sale of liquors, and the erection or keeping of saloons outside of the corporate limits of cities and towns, and in the vicinity of cemeteries or within one-half mile of parks to which the public is admitted free of charge, and in which the sale of malt, vinous, spirituous and other intoxicating liquors is not allowed and is not carried on," beg leave to recommend that Bill do pass.

Report adopted.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Miller of Lewis and Clark in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Lewis and Clark, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 11, introduced by McCone, reports same back to the House with the recommendation that it be placed at the foot of General Orders.

Also having had under consideration House Bill No. 47, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Senate Bill No. 16, introduced by Annin, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 17, introduced by Bicklenberg, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 13, introduced by Donlan, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 2 by striking out in line 23, the word "reside" after the word "shall," and inserting in lieu thereof, the words "have his headquarters;" and after the words "Silver Bow" add the following, "and shall have authority to operate in other counties, when called or directed by the Secretary of the Bureau."

Also having had under consideration Senate Bill No. 28, introduced by Rye, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 2 by striking out in line 13 the word "elector" and inserting in lieu thereof the word "freeholder."

Amend Section 4, line 42, by inserting after the word "school" the following: "Provided said number of votes be a majority of all votes cast in favor of the measure."

Amend Section 4 by striking out in line 44 the word "plurality," and inserting in lieu thereof the word "majority."

Amend Section 8 by inserting in line 100, after the word "build," the words "or purchase."

Amend Section 9 by inserting in line 106, after the word "erection," the words "or purchase."

Amend Section 21, by inserting in line 196, after the words "Free High School Trustees," the words "or by any Board of County Commissioners of this State."

Amend Section 24 by making it read Section 23.

Report adopted.

On motion, the House took a recess at 12:05 P. M. until this afternoon at 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 74, 155, 145 and 164, have been correctly printed.

NOTICES OF BILLS.

By Scallon. A bill for an Act entitled, "An Act regarding the organization, management, control and discipline of the police departments of cities and towns, and providing for an examining and trial board in connection therewith in cities of the first class; for the appointment of members of the department, and relating to the compensation of members of the department, and to other matters connected therewith."

By Walker. A bill for an Act entitled: "An Act prescribing certain conditions to be complied with by all persons transacting business within the State of Montana under a fictitious name or designation, not showing the name or names of persons interested."

By Marshall. A bill for an Act entitled, "An Act to amend Section 2097 of the Penal Code of the State of Montana, relating to trials in criminal cases."

By Logan. A bill for an Act to promote the propagation of Fish and Game, and to provide for the appointment of County Game and Fish Commissioners.

By Brewster. A bill for an Act to establish a State Livestock Sanitary Board; to provide for the appointment of special deputy State Veterinary Surgeons; to define the duties and powers of said State Livestock Sanitary Board and the duties and powers of the State Veterinary Surgeon and Deputy Veterinary Surgeons with the State Livestock Sanitary Board; to provide for the eradication of disease in domestic animals, their quarantine and sanitary inspection; to amend Section 3016 of the Political Code relating to the Stock Indemnity Fund; and to provide penalties for the violation of this Act.

By Whiteside. A bill for an Act to submit an amendment to Sec. 3, Article XII, of the Constitution, relating to taxation, to the electors at the next general election.

Also a bill to regulate the confiscation of coal belonging to shippers by common carriers.

Also a bill for an Act to provide a fish ladder in the Kootenai River at Kootenai Falls, Montana.

INTRODUCTION OF BILLS.

The following bills, were introduced and placed on file:

By Greene, H. B. No. 300. A bill for an Act entitled: An Act to prohibit Gun Clubs from the practice of competitive shooting on Sunday within

a less distance than one mile of any town or village of Five Hundred people or more.

By Committee on Appropriations, H. B. No. 301. A bill for an Act appropriating money for the payment of the claim of certain Sheriffs of the State of Montana for expenses incurred in transporting prisoners to the penitentiary during the years 1905 and 1906.

By Marshall, H. B. No. 302. A bill for an Act entitled, "An Act to amend Section 2097 of the Penal Code of the State of Montana, relating to trials in criminal cases."

By Allen, H. B. No. 303. A Bill for an Act entitled, An Act to amend Sections 4042 and 4043 of the Political Code of the State of Montana, relating to the fees allowed by the Board of County Commissioners to Justices of the Peace and Constables in criminal cases and providing for a fee for the serving of summons.

By Seidler, H. B. No. 304. A Bill for an Act to amend Section 670 of Chapter I, Title IV, of the Civil Code, relating to Insurance Companies.

By Marshall, H. B. No. 305. A bill for an Act entitled "An Act to provide for an additional Judge for the Fourth Judicial District, so that there will hereafter be two Judges in said District, one of whom shall keep his Chambers at the Town of Hamilton, Ravalli County."

By Macaulay, H. B. No. 306. A Bill for an Act entitled "An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and compensation thereof and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana."

READING OF HOUSE BILLS.

The following bills were taken from the files:

H. B. No. 200, read first and second times by title only, and referred to Committee on Education.

H. B. No. 301, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 302, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 303, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 304, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 305, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 306, read first and second times by title only, and referred to Committee on Privileges and Elections.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 12, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 301, A Bill for an Act appropriating money for the payment of the claim of certain Sheriffs of the State of Montana for expenses incurred in transporting prison-

ers to the penitentiary during the years 1905 and 1906, having had same under consideration, recommend that it do pass.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 276, being a Bill for an Act entitled, An Act to amend Section 402, Article V, Chapter III, Part III, Title I, of the Political Code of Montana, providing for the distribution of published copies of the Senate and House Journals, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 277, introduced by Miller, being a Bill for an Act entitled An Act to amend Sections 1 and 8 of Article V, Chapter 106, of the Laws of 1905, and providing for the payment of interest on cost of construction of drains where payments is extended for more than one year, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 185, being a Bill for an Act entitled, An Act regarding gambling and to prohibit certain games, and the possession or use of certain implements and appliances and the using or leasing of any premises for gambling purposes, to provide for the enforcement of this Act, and to provide civil and criminal liabilities and penalties for violations of its provisions and civil actions for the recovery of money lost at any of the games herein prohibited, and to repeal and prohibit City and Town ordinances on the subject, and to repeal the Act approved March 15th, 1901, entitled: "An Act to prohibit gambling within the State of Montana, to provide penalties for violations of this Act, and repealing an Act of the Fifth Regular Session of the Legislative Assembly of Montana, and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this Act, and conflicting acts, beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Mr. Speaker excused Griffin until Monday, the 18th.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute

for House Bill No. 45, introduced by Whiteside, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bills Nos. 19 and 44, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by inserting after the word "equipment" in line 1, the words "of a hospital building."

Also having had under consideration House Bill No. 161, introduced by O'Connor, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 167, introduced by Duncan, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 6 the word "must" and inserting in lieu thereof, the word "to." Also by striking out in line 8 the word "five" and inserting in lieu thereof the word "ten." Also by striking out in line 9 the word "ten" and inserting in lieu thereof the word "fifteen."

Also having had under consideration House Bill No. 206, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 207, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 208, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it be re-referred to Committee on Judiciary.

Also having had under consideration House Bill No. 209, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass as amended as follows: Amend Section 1, by striking out line 6; also strike out all of line 1 after the word "of" and insert the words "Two Hundred Eighty-three and Twenty-five cents;" also strike out in line 2 the figures \$470.75 and insert in lieu thereof the figures \$283.25.

Also having had under consideration House Bill No. 210, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 217, introduced by Committee on Ways and Means, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 232, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 234, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 235, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass as amended, as follows: Amend Section 2 by striking out in line 28 the word "shall" and inserting in lieu thereof the word "may."

Also having had under consideration House Bill No. 249, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 7, introduced by Haviland, reports same back to the House with the recommendation that it be concurred in as amended, as follows: Amend Section 1 by inserting at the end of line 15 the following: "Provided this shall not apply to the wives, daughters, sisters, or mothers, of these orders who are in good standing."

Also having had under consideration House Bill No. 237, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 164, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 74, introduced by Tudor, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 155, introduced by Macaulay, reports same back to the House with the recommendation that it be indefinitely postponed.

Also having had under consideration House Bill No. 145, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by striking out in line 14 the following: "as of date January 19th, 1906."

Amend Section 6 by striking out in line 48 the word "asylum" and inserting in lieu thereof the word "school."

Report adopted.

A memorial signed by John McGinniss and others, relative to the bill repealing professional and other licenses, was received and read, and referred to Committee on Ways and Means.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Ross in the chair.

House resumed.

Mr. Speaker in the chair.

Ross, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole having had under consideration Senate

Bill No. 11, introduced by McCone, reports same back to the House with the recommendation that it be concurred in.

Report adopted.

MOTIONS AND RESOLUTIONS.

By Ross: "I move that the vote by which the passage of House Bill No. 37 was defeated, be reconsidered." Motion carried.

Motion by Ross that House Bill No. 37 be re-committed to General Orders. Motion carried.

Motion by Marshall that House Bill No. 37 be made a special order of business for 3 o'clock tomorrow. Motion carried.

Manchester and Morris requested to be noted present.

The House adjourned at 5:15 to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRTY-EIGHTH DAY

Wednesday, February 13, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Roll called and all members found present except Blake, Cato, English, Griffin, Kirwan, Longstaff, Root, Selway and Sherman. Griffin excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Tuesday, February 12, and believe same to be correct.

Report adopted.

REPORT OF STANDING COMMITTEE.

Shaw from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 138 and 151 have been correctly printed.

NOTICES OF BILLS.

By Cameron. A bill for an Act to amend Section 4044 of the Political Code of Montana, as amended by Chapter XCII, Laws of 1903, relating to licenses.

By Gray. A bill for an Act to amend Section 1763, Code of Civil Procedure, relating to appeals to the District Court.

By Gray. A Bill for an Act to empower County Commissioners to appoint a suitable person to investigate property not on tax list.

By Weed. A Bill for an Act entitled "An Act appropriating money for the payment of the claim of Powell County against the State of Montana on account of money expended in prosecuting an inmate of the State Prison."

By Marshall. An Act entitled, "An Act to establish a Board of Fire Insurance Commissioners for the State of Montana; to define their powers and duties in the matter of adjusting and regulating rates, charges and premiums of insurance upon property by fire insurance corporations and companies; and to provide remedies for the enforcement of this Act and penalties for the violation thereof."

By Towers. A bill for an Act to amend Sections one and three of an Act of the Seventh Legislative Assembly, entitled "An Act relative to the powers and duties of Justices of the Peace, and fixing their compensation in certain townships."

By Cummings. A bill for an Act entitled: "An Act regulating the payment of expenses of State and County Officers; defining offenses in relation thereto, and prescribing punishment for such offenses."

By Scallon. A bill for an Act relating to the valuation of the property of railroads for all purposes of rate regulation by the Board of Railroad Commissioners or the Courts, and providing rules of evidence relating to the same.

COMMUNICATIONS AND PETITIONS.

A communication from the Butte Allied Printing Trades was read and referred to Committee on Labor.

Four petitions from residents of Flathead County were read, and referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES.

McManus, from the Committee on Mines and Mining, reported as follows:
Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

The Committee on Mines and Mining report back to the House, House Bill No. 179, A Bill for an Act entitled: "An Act prescribing the regulations for opening, operating, planning, general management of coal mines and coal mining, prescribing penalties and repealing Article I, Chapter 10, Part 3, Title 7, Sections 3350 to 3365 inclusive of the Political Code of Montana, relative to coal mines, recommend same back that it do pass.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 13th day of February, 1907:

House Bill No. 49. "An Act appropriating money for the purchasing and erecting in the main hall of the Capitol, a bronze tablet to the memory of Captain James Williams."

House Bill No. 67. "An Act to appropriate money for the payment of the deficiency claims of Mitchell and Mussigbrod for the care of patients of the Insane Asylum for the year 1906."

House Bill No. 79. "An Act to amend Sections 1990 and 3280 of the Political Code, relating to Arbor Day."

House Bill No. 84. An Act to amend Section 313 of the Political Code, relating to distribution of public reports.

House Bill No. 95. "An Act appropriating money for the payment of

claims of certain persons for services rendered and supplies furnished the State Board of Horticulture."

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit Substitute for House Bill No. 47, 161, 206, 207, 148, correctly engrossed.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 59, entitled "A Bill for an Act authorizing County Commissioners of each county to annually levy a special tax of six-tenths of one mill on the dollar upon the assessed value of all property in the county, to raise revenue for the special funds known as the "State Bounty Fund," "Sheep Inspection and Indemnity Fund," "Stock Inspector and Detective Fund," and "Stock Indemnity Fund," to provide for the apportionment of said special tax to said special funds and for the control, use and disposition of said funds; and to repeal Sections 2990, 3010 and 3076 of the Political Code, together with all amendments to each of said Sections and to repeal Section 27 of Chapter 45 of the laws of 1905," recommend that the said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 117, entitled "A Bill for an Act entitled 'An Act to amend Section 717, Part I, Title X, Chapter XI, of the Penal Code of the State of Montana, as the same is now in force, as amended by an Act entitled 'An Act to amend Section 717, Part I, Title X, Chapter XI, of the Penal Code of the State of Montana, relating to the sale of intoxicating beverages on the line of any railroad grade, logging camp, saw-mill, sheep shearing camp, irrigation ditch, or canal in course of construction, approved February 27, 1905,'" recommend that the same be indefinitely postponed."

Report adopted.

Also:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 19, entitled "A Bill for an Act appropriating money for the payment of M. S. Gunn for legal services rendered in the matter of litigation involving the validity of bonds issued, and to be issued, against the State Normal College Land Grant," recommend that the same be not concurred in, for the reason that the said bill contravenes the provisions of Section 29 of Article V, and of Section 1, of Article XIII, of the Constitution of Montana."

Report adopted.

Also:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill

No. 246, entitled "A Bill for an Act to repeal Section 4049 of the Political Code, and to enact in lieu thereof a Section to be numbered 4049 of Political Code, providing for a lien on property used in any trade, occupation or business for which a license is required and for the seizure and sale of such property upon default in payment of such license," recommend that the said bill do pass.

Report adopted.

Also:

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 242, entitled "A Bill for an Act providing for the submission to the qualified electors of the State of Montana, relating to the terms of office of certain officers," recommend that the title of the same be amended by adding thereto the words "and making provisions regarding the terms of office of members of police and fire organizations or departments, and of executive and administrative commissions of municipal corporations and of school trustees."

Also by striking out all that part of Section 1 of said bill commencing with the ninth line thereof, inclusive, and substituting in lieu thereof the following:

"The legislative assembly may provide that the members of the police and fire organizations or departments in any class or classes of municipal corporations, classified under a general law, may hold during good behavior or for indefinite terms, subject to removal for cause, and may provide for their removal. It may also provide that members of executive and administrative commissions in municipal corporations, including police commissions, however elected or appointed, if such officers be provided for, may hold for six years or less, and that the terms of office of school trustees may be of three years or less," so that when amended the said section shall read as follows:

Section 6. The legislative assembly may provide for the election or appointment of such other county, township, precinct, and municipal officers as public convenience may require and their terms of office shall be prescribed by law, not in any case to exceed two years, except as in this constitution otherwise provided. The legislative assembly may provide that the members of the police and fire organizations or department in any class or classes of municipal corporations, classified under a general law, may hold during good behavior or for indefinite terms, subject to removal for cause, and may provide for their removal. It may also provide that members of executive and administrative commissions in municipal corporations, including police commissions, however elected or appointed, if such officers be provided for, may hold for six years or less, and that the terms of office of school trustees may be of three years or less."

And that when so amended the said bill do pass.

Report adopted.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Chairman:

Your Committee on Railroads and Transportation, to which was re-

ferred House Bill No. 291, entitled A Bill for an Act to require railroad and express companies, doing business in the State of Montana, to maintain telephones in its office, and to answer calls made over such telephone connection during business hours, and to provide a penalty for the violation of the provisions of this Act, recommends that the same be amended as follows:

By inserting after the word "railroad," the word "telegraph," in line 1 of Section 1 of said bill.

Amend Section 1, line 3, by making the word "ticker" read "ticket," and inserting after the word "office" in the same line, the words "public office."

Amend by inserting in line 9, Section 1, after the word "railroad," the word "telegraph."

Also by inserting in line 13 of said Section, after the word "railroad," the word "telegraph."

Also by inserting in line 16 of said Section, after the word "railroad," the word "telegraph."

Also by inserting in line 19, after the word "railroad," the word "telegraph," in the same section.

Amend Section 2, line 2, by inserting after the word "railroad" the word "telegraph."

Also amend line 3 of Section 2, by inserting after the word "railroad," the word "telegraph."

And respectfully recommend that, as amended, the bill do pass.

Report adopted.

Beckwith, from the Committee on Federal Relations, reported as follows:

Mr. Speaker: Helena, Montana, Feb. 13, 1907.

We, your Committee on Federal Relations, having had under consideration Joint Memorials No. 1 and No. 4, recommend the same for passage.

Report adopted.

McManus, from the Committee on Mines and Mining, reported as follows:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Having had under consideration House Bill No. 259, entitled: "An Act for the protection of the health of the men employed in underground mines and smelters, stamp mills, sampling works, concentrators, or any works where ores or coal are mined, reduced, washed or treated, by regulating their hours of employment and providing penalties for the violation thereof; and repealing House Bill No. 1 (Sections 1 to 5 inclusive) of the Session Laws of 1901, entitled 'An Act for the protection of the health of the men employed in underground mines and in smelters, stamp mills, sampling works, concentrators, or any works where ores are mined or reduced, by regulating their hours of employment and providing penalties for the violation thereof,'" recommend that same be indefinitely postponed.

Also having had under consideration Substitute for House Bill No. 259 entitled, "An Act to amend Chapter 50 of the Session Laws of the year 1905, State of Montana, being an Act entitled: 'An Act prescribing the hours of labor which shall constitute a day's work on all works or undertakings carried on or aided by municipal, county or state government, and all contracts let by them, and in mills and smelters for the treatment of ores and in underground mines, and providing a penalty for the violation of the

provisions of this Act,' approved March 1st, 1905, and to provide further the number of hours labor which shall constitute a day's labor for the washing or reducing of the treating of coal," and recommend that same do pass.

Report adopted.

Mr. Speaker announced that he was about to sign House Bills Nos. 95, 84, 67, 79 and 49, and signed the same in the presence of the House.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Shaw, H. B. No. 307. A bill for an Act entitled "An Act appropriating the sum of Five Thousand Dollars, or so much thereof as may be necessary, for the installation of a power plant in connection with the State Capitol Building for the generation of electricity to supply the State Capitol Building."

By Scallon, H. B. No. 308. A Bill for an Act entitled, "An Act providing for the initiative and referendum in cities and towns."

By Scallon, H. B. No. 309. A Bill for an Act entitled, "An Act regarding the organization, management, control and discipline of the police departments of cities and towns, and providing for an examining and trial board in connection therewith in cities of the first class; for the appointment of members of the department, and relating to the compensation of members of the department, and to other matters connected therewith."

By Walker, H. B. No. 310. A Bill for an Act entitled: "An Act prescribing certain conditions to be complied with by all persons transacting business within the State of Montana under a fictitious name or designation, not showing the name or names of persons interested."

By Whiteside, H. B. No. 311. A Bill for an Act entitled "An Act to provide conditional revenue for state purposes and to assess certain corporations on their gross earnings therefor."

By Cameron, H. B. No. 312. A Bill for an Act to amend Section 654 of the Political Code of the State of Montana relating to the sale of poisons.

By Barbour, H. B. No. 313. A bill for an Act to amend Section 607 of the Political Code of the State of Montana, relating to the fees of candidates for examination for license to practice medicine and surgery in the State of Montana, and application thereof.

By Harden, H. B. No. 314. A bill for an Act to amend Section 875 of the Political Code as amended by Senate Bill No. 75 of the Laws of 1897, relating to the salary of the Clerk of the Supreme Court and to increase the salary of the Superintendent of Public Instruction.

By Whiteside, H. B. No. 315. A Bill for an Act entitled "An Act to regulate the confiscation of coal by railroads and common carriers and providing penalties for the violation of this Act."

By Whiteside, H. B. No. 316. A Bill for an Act entitled "An Act requiring corporations doing business in the State of Montana to pay an annual license fee."

By Whiteside, H. B. No. 317. A bill for an Act entitled "An Act to construct a fish ladder in Kootenai River at Kootenai Falls, Montana, and appropriating money therefor."

By Judiciary Committee, H. B. No. 318. A bill for an Act concerning

bonds, recognizances and written undertakings entered into or taken by an officer.

By Judiciary Committee, H. B. No. 319. A Bill for an Act concerning the jurisdiction of District Courts and to amend Section 39 of the Code of Civil Procedure of the State of Montana.

House Joint Memorial No. 7, by Gray, relating to the policy of the Government concerning entrymen on the public lands.

House Concurrent Resolution No. 6, introduced by Whiteside, by request.

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Governor be and is hereby requested to appoint three prominent educators of the State to investigate the Library Extension work being carried on by the Montana State Federation of Women's Clubs and report their findings and recommendation to the Eleventh Legislative Assembly. Such persons so appointed to serve without compensation.

On motion of Gray, House Bill No. 157 was withdrawn from General Orders of today and placed on General Orders for tomorrow.

READING OF HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The following bills were taken from the file:

H. B. No. 307, read first and second times in full, and referred to Committee on State Boards and Officers.

H. B. No. 308, read first and second times by title only, and referred to Committee on Privileges and Elections.

H. B. No. 309, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 310, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 311, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 312, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 313, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 314, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 315, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 316, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 317, read first and second times in full, and referred to Committee on Fish and Game.

H. B. No. 318, read first and second times in full, and referred to Committee on Judiciary.

H. B. No. 319, read first and second times in full, and referred to Committee on Judiciary.

H. J. M. No. 7, read first and second times in full, and referred to Committee on Federal Relations.

H. J. R. No. 6, read first and second times in full, and referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 223, introduced by Whiteside, being a Bill for an Act concerning dependent and neglected children and concerning the parents, guardians or other persons responsible for the custody, care, maintenance and support of such children and their punishment for the neglect of such children, beg leave to recommend that same do pass.

Report adopted.

Also:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 222, introduced by Whiteside, being a Bill for an Act entitled, "An Act concerning delinquent juvenile persons, defining same and providing for their apprehension, custody, and disposition: the jurisdiction of courts and proceedings therein, and concerning the parents, guardians and other persons responsible for the custody, care, guidance, education and maintenance and control of such children, and providing for their punishment in cases of delinquency therein," beg leave to recommend that same do pass.

Report adopted.

Also:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 258, introduced by Goff, being a Bill for an Act entitled, "An Act to amend Section 1 of Chapter 27 of the Acts of the Ninth Legislative Assembly, being an Act to authorize cities and towns to create special improvement districts, and to levy special assessments upon the property of such districts, for the purpose of defraying the cost of construction or acquiring a system of water works, and laying extensions to water mains, approved Feby. 21, 1906," beg leave to recommend that same do pass.

Report adopted.

On motion of Miller of Park, House Bills Nos. 295 and 300 were referred to Committee on Affairs of Cities.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notice of the following bill was this day received:

By Miles. A bill relating to the Fish and Game Warden, defining his powers and duties, and relating to the licenses on game and fish.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bill was this day introduced and read first and second times:

S. B. No. 87, by Haviland, by request. A bill for an Act to encourage cultivation of fish, and providing for their ownership and sale.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 1 was this day read a third time and passed by the Senate, and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 12, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, and under suspension of rules read first and second times by title only:

H. B. No. 35, by Marshall. Referred to Committee on Judiciary.

H. B. No. 39, by Wendel. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 65, by Hyndman. Referred to Committee on Finance and Claims.

H. B. No. 129, by Cameron. Referred to Committee on Education.

H. B. No. 165, by Seidler. Referred to Committee on Education.

Respectfully,

H. K. HOWRY, Secretary.

READING OF SENATE BILLS.

Senate Bill No. 1, read first and second times by title only, and referred to Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 148, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—60.

Noes.—None.

Absent and not voting.—Blake, Cato, Corby, English, Griffin, Kirwan, Logan, Longstaff, Morgan, Morris, Root, Sherman, and Whiteside.—13.

Title agreed to.

Substitute for House Bill No. 47, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallan, Seidler, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—60.

Noes.—None.

Absent and not voting.—Blake, Campbell, Cato, Corby, English, Griffin, Kirwan, Logan, Longstaff, McDonald, Root, Sherman, and Whiteside.—13.

Title agreed to.

THIRD READING OF SENATE BILLS.

Senate Bill No. 11, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Kroger, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Macaulay, Patten, Ross, Scallan, Seidler, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Wilder and Mr. Speaker.—43.

Noes.—Bennet of Madison, Blewett, Burke, Duncan, Fisher, Hyndman, Morris, McManus, O'Connor, Potter, Powers, Swindlehurst, Warren and Wilham.—14.

Absent and not voting.—Blake, Cato, Corby, English, Griffin, Hess, Kirwan, Leighton, Logan, Longstaff, Moore, McDonald, Root, Sherman, Walker, and Whiteside.—16.

Title agreed to.

Senate Bill No. 13, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blewett, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Cutler, Farmer, Fisher, Gerber, Goff, Greene, Harbordt, Harden, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Park, Morgan, Morris, Macaulay, O'Connor, Patten, Potter, Ross, Scallan, Seidler, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel and Mr. Speaker.—46.

Noes.—Bennett of Madison, Boorman, Decker, Duncan, Miller of Lewis and Clark, Powers, Warren and Wilham.—8.

Absent and not voting.—Blake, Campbell, Cato, Corby, English, Gray, Griffin, Hess, Kirwan, Logan, Longstaff, Moore, McDonald, McManus, Sherman, Towers, Whiteside, Ross and Wilder.—19.

Bennett gave notice that he would on today or tomorrow move for a reconsideration of vote on Senate Bill No. 13.

Senate Bill No. 16, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harden, Hess, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, Macaulay, O'Connor, Patten, Powers, Ross, Scallon, Seidler, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walkér, Warren, Weed, and Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Beckwith, Blake, Brewster, Cato, Corby, English, Griffin, Harbordt, Hyndman, Kirwan, Logan, Longstaff, Moore, Morris, McManus, Potter, Root, Selway, Sherman, Whiteside, Wilder and Wilham.—22.

Title agreed to.

On motion of Manchester, the House took a recess at 12:15 P. M. until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 17, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Leighton, Logan, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Barbour, Blake, Cato, Corby, Cutler, Griffin, Hyndman, Kirwan, Kroger, Marshall, McDonald, McManus, O'Connor, Ross, Thompson of Fergus, Towers, and Whiteside.—17.

Title agreed to.

Senate Bill No. 28, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Potter, Powers, Scallon, Seidler,

Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Maxwell and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Barbour, Blake, Cato, Corby, Cutler, Goff, Griffin, Kroger, McDonald, O'Connor, Root, Ross, Thompson of Fergus and Towers.—14.

Title agreed to.

Senate Bill No. 30, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Mcanus, Macaulay, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—60.

Noes.—None.

Absent and not voting.—Barbour, Blake, Cato, Corby, Cutler, Griffin, Harden, Kroger, McDonald, O'Connor, Ross, Shaw, Thompson of Fergus.—13.

Title agreed to.

Senate Bill No. 7, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Barbour, Blake, Boorman, Cato, Corby, Cutler, Goff, Griffin, Kroger, Miller of Lewis and Clark, McDonald, O'Connor, Ross, Thompson of Fergus, and Whiteside.—15.

Title agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 161, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Potter, Powers, Root, Scallon, Seidler, Selway,

Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Barbour, Bennet of Madison, Blake, Boorman, Corby, Cato, Cutler, Gray, Griffin, Logan, McDonald, O'Connor, Ross, Thompson of Fergus, and Whiteside.—15.

Title agreed to.

House Bill No. 206, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Barbour, Bennet of Madison, Blake, Campbell, Cato, Corby, Cutler, Decker, Gray, Griffin, McDonald, Ross, Tudor, and Whiteside.—14.

Title agreed to.

Mr. Speaker excused Thompson of Fergus, on account of sickness in his family.

House Bill No. 207, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Shaw, Sherman, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder and Mr. Speaker, and Swindlehurst.—60.

Noes.—None.

Absent and not voting.—Barbour, Blake, Campbell, Cato, Cutler, Griffin, Kirwan, Logan, O'Connor, Ross, Thompson of Fergus, Whiteside and Wilham.—13.

Title agreed to.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Appropriations, H. B. No. 320. A Bill for an Act appropriating money for the payment of deficiency claim of Rocky Mountain Bell Telephone Company, account Fish and Game Fund.

By Committee on Appropriations, H. B. No. 321. A bill for an Act appro-

priating money for the payment of deficiency claim of Rocky Mountain Bell Telephone Company.

By Committee on Appropriations, H. B. No. 322. A Bill for an Act appropriating money for the payment of claim of J. M. Lewis for services and for expenses incurred.

By Committee on Appropriations, H. B. No. 323. A bill for an Act appropriating money for the payment of deficiency claims, account requisitions.

By Committee on Livestock and Public Ranges, H. B. No. 324. A bill for an Act to establish a State Livestock Sanitary Board; to provide for the appointment of special Deputy State Veterinary Surgeons; to define the duties and powers of said State Livestock Sanitary Board and the duties and powers of the State Veterinary Surgeon and deputies Veterinary Surgeon with the State Livestock Sanitary Board; to provide for the eradication of disease in domestic animals, their quarantine and sanitary inspection; to amend Section 3016 of the Political Code, relating to the stock indemnity fund; and to provide penalties for the violation of this Act.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 320, read first and second times in full and referred to Committee on Appropriations.

H. B. No. 321, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 322, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 323, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 324, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 232, 74, Substitute for 19 and 44, 249, 164, correctly engrossed.

Allen, from the Committee on Ways and Means, reported as follows:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 290, introduced by Weed, being a Bill for an Act entitled, An Act providing for the appointment of a special examiner to inquire into and investigate the affairs and conditions of private banks, bankers, or any banking corporations, or other corporations, doing business in the State of Montana, whether domestic or foreign, and prescribing his powers and duties, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 324, A Bill for an Act entitled: "An Act to establish a state livestock sanitary board; to provide for the appointment of special deputy state veterinary surgeons; to define the duties and powers of said state livestock sanitary board, and the duties and powers of the State Veterinary Surgeon, and deputies veterinary surgeon with the State Live-stock Sanitary Board; to provide for the eradication of disease in domestic animals, their quarantine and sanitary inspection; to amend Section 3016 of the Political Code relating to the stock indemnity fund; and to provide penalties for the violation of this Act, recommend that the same do pass.

Report adopted.

Bennet, from the Committee on Appropriations, reported as follows:

Feb. 13, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 323, A Bill for "An Act appropriating money for the payment of deficiency claims, account requisition," have had same under consideration and recommend that it be passed.

Report adopted.

Also:

Feb. 13, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 321, A Bill for "An Act appropriating money for the payment of deficiency claim of Rocky Mountain Bell Telephone Company," having had same under consideration, recommend that it be passed.

Report adopted.

Also:

Feb. 13, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 322, A Bill for "An Act appropriating money for the payment of claim of J. M. Lewis for service and for expenses incurred," having had same under consideration, recommend that it be passed.

Report adopted.

Also:

Feb. 13, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 320, A Bill for "An Act appropriating money for the payment of deficiency claim of Rocky Mountain Bell Telephone Company, account Fish and Game Fund," having had same under consideration, recommend that it do pass.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges reported as follows:

Helena, Montana, Feb. 13, 1907.

Mr. Chairman:

Your Committee on Live Stock and Public Ranges, having had

under consideration House Bill No. 118, A Bill for an Act entitled: "An Act providing for the apportionment between counties of taxes levied upon livestock run or herded upon the public ranges of more than one county, and penalties for the violation thereof," beg to report that the same be postponed indefinitely.

Report adopted.

NOTICES OF BILLS.

By Burke. A bill for an Act entitled, "An Act to amend Chapter 96 of the Acts of 1903 providing for the establishment of the Montana State Fair, for the appointment of a Board of Directors, executive officers, and for the conduct and management thereof."

By McDonald. A bill for an Act to amend Section 4756 of the Political Code, relating to officers of election, places of voting and election districts, and election matters in municipal corporations.

COMMUNICATIONS AND PETITIONS.

Two petitions signed by numerous citizens of Silver Bow County, relative to proposed gambling laws, were read, and referred to Committee on Affairs of Cities.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Duncan in the chair.

House resumed.

Mr. Speaker in the chair.

Duncan, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 37, introduced by Macaulay, reports same back to the House with the recommendation that it be re-referred to Committee on Fish and Game, and that they report not later than Friday at 3 o'clock.

Also having had under consideration House Bill No. 159, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 174, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 236, introduced by Committee on Judiciary, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 138, introduced by

Boorman, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 151, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

Motion by Kroger that report be adopted.

Amended motion by Gray, that the report on House Bill No. 138, be segregated and that House Bill No. 138 be re-referred to the Committee of the Whole.

Roll call was demanded, and amended motion was lost by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Blewett, Boorman, Brownlee, Burke, Decker, Greene, Gray, Harden, Longstaff, Manchester, Maxwell, Miller of Lewis and Clark, Morgan, Macaulay, Patten, Potter, Root, Ross, Scallon, Swindlehurst, Towers, Whiteside and Mr. Speaker.—26.

Noes.—Bennetts of Silver Bow, Brewster, Cameron, Corby, Cluston, Cummings, Cutler, Duncan, English, Fisher, Gerber, Goff, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Miles, Moore, Morris, McManus, O'Connor, Powers, Seidler, Selway, Shaw, Sherman, Thompson of Sanders, Tudor, Walker, Warren, Weed, Wendel, Wilder and Wilham.—36.

Original motion carried.

NOTICES OF BILLS.

By Hyndman. A Bill for an Act creating a Railroad and Warehouse Commission.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Bennett, H. B. No. 325. A Bill for an Act entitled "An Act regulating the sale and providing for the inspection of oils used for illuminating and heating purposes, and in automobiles, establishing a standard test therefor and prescribing penalties."

By Burke, H. B. No. 326. A Bill for an Act entitled "An Act to amend Chapter 96 of the Acts of 1903, providing for the establishment of the Montana State Fair, for the appointment of a Board of Directors, executive officers, and for the conduct and management thereof."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 325, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 326, read first and second times by title only, and referred to Committee on Fairs and Expositions.

On motion by Shaw, the House adjourned at 4:15 P. M. to meet tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

THIRTY-NINTH DAY

Thursday, February 14, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, Griffin, Morris, Selway and Thompson of Fergus. Griffin and Thompson excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Wednesday, February 13, and believe same to be correct. Report adopted.

COMMUNICATIONS AND PETITIONS.

House Concurrent Resolution No. 4 of Legislative Assembly of Kansas, relative to election of United States Senator by direct vote of the people, received and read, and referred to Committee on Federal Relations.

NOTICES OF BILLS.

By Shaw. A Bill providing for a compilation of the taxation laws.

By Shaw. A Bill appropriating money for the construction of a brick side-walk in the capitol grounds.

By Gray. A Bill for an Act to amend Section 4642, Political Code, relating to Justice tees.

By Campbell. A Bill for an Act making appropriations to pay the salaries of Meat and Milk Inspectors for the State of Montana for the years 1907 and 1908, and appropriating one thousand dollars for 1907 and one thousand dollars for 1908 for the payment of actual expenses incurred by the Meat and Milk Inspection Commission.

By Allen. A Bill for an Act entitled, An Act to prevent the removal or interference with dead human bodies when death has been caused or there are reasons to believe death has been caused by violence or other unnatural means, without first notifying the County Coroner.

By Marshall. A bill for an Act to create a commission to regulate, control and supervise a "State Bank Deposit Insurance Fund;" to provide for the same; to control its investments and disbursements, and to control the receivers of insolvent state banks.

By Cameron. A bill for an Act to amend Sections 3941 and 3946 of Part III. Title X, Chapter IX, of the Political Code of the State of Montana, relating to the collection and cancellation of taxes on certain personal property; to provide for the appointment of the sheriff or assessor as a special deputy treasurer to collect such taxes, and capitation taxes, and to provide compensation for such deputy.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bill 42 has been correctly printed.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 14, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 183, A Bill for an Act entitled: "An Act approving Bounty Claim of Stockmen's National Bank, of Fort Benton, Montana, and providing for the payment thereof," have had same under consideration and recommend that it be passed.

Report adopted.

Also:

Feb. 14, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 225, A Bill for an Act entitled: "An Act providing for the payment of certain expenses incurred by the Board of Stock Commissioners and the Board of Sheep Commissioners with relation to Bounty Fraud Cases and Bounty Supplies from the Bounty Fund," having had same under consideration, recommend that it be passed.

Report adopted.

Also:

Feb. 13, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 96, A Bill for an Act entitled: "An Act to amend Sections one, two, three, four and five of an Act of the Eighth Legislative Assembly, entitled, 'An Act to appoint the Entomologist of the Experiment Station, State Entomologist and appropriate money to pay his traveling expenses,'" having had same under consideration, recommend that same be passed.

Report adopted.

Hyndman, from the Committee on Fairs and Expositions, reported as follows:

Feb. 14, 1907.

Mr. Speaker:

We, your Committee on Fairs and Expositions, having had under consideration House Bill No. 202, entitled An Act to provide for Farmers' Institutes and Extension Work in Agriculture," beg leave to report that we have had the same under consideration and recommend that it do pass.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Mr. Speaker:

I hereby beg leave to report that House Bills 116, 200, 197, 123, 78 and 120 have been correctly printed.

Brownlee, from the Committee on Townships and Counties, reported as follows:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 24, introduced by Rae, being a bill for an Act to amend Section 4120 of the Political Code of Montana, defining the boundaries of Fergus County, Montana, as to include the territory acquired by it under the provisions of an Act entitled "An Act providing for the extension of the Northern boundary of Fergus County," approved March 14, 1899, report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 182, 167, 145, 234, 217, 210, 237, 209, 235, correctly engrossed.

Cameron, from the Committee on State Boards and Officers, reported as follows:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred House Bill No. 206, entitled, "A Bill for an Act to amend Sections 494, 495, 496, 497, 498, and 499, of the Political Code of Montana as amended by Chapter C, Acts of 1903, relating to the State Examiner's Office and fund," beg leave to report as follows:

That same be amended in Section 1, line 8, by striking out the word "fifteen" and inserting in lieu thereof the word "twenty," and in Section 1, line 28, by striking out the word "eighteen" and inserting in lieu thereof the word "fifteen;" and in line 29, by striking out the word "fifteen" and inserting in lieu thereof the word "twelve;" and as amended, recommend that the same do pass.

Report adopted.

Also:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred House Bill No. 206, entitled, "A Bill for an Act entitled, 'An Act to provide for the appointment of a Clerk for the office of State Mine Inspector and State Coal Mine Inspector,'" recommend that the same do pass.

Report adopted.

Also:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred House Bill No. 241, entitled "A Bill for an Act authorizing the appointment of a third assistant to the Attorney General, and authorizing the employment of an additional stenographer for the Attorney General's Office," recommend that the same do pass.

Report adopted

Also:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred House Bill No. 248, entitled, "A bill for an Act entitled 'An Act to create an Immigration Bureau for the State of Montana; to provide for the management and control of the same; to appropriate money for maintenance thereof; to permit County Commissioners to participate in Immigration work and appropriate county funds therefor,'" beg leave to report as follows:

That Section 12, line 3, be amended by striking out the word "twenty-five," and inserting in lieu thereof the word "five;" and by striking out the figures "25,000," and inserting in lieu thereof the figures "5,000;" and in line 4 of said Section, by striking out the word "twenty-five," and inserting in lieu thereof the word "five," and by striking out the figures "25,000" and inserting in lieu thereof the figures "5,000;" and as so amended recommend that the same do pass.

Report adopted.

Seallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 229, entitled "A Bill for an Act to amend Section 397 and Section 1503 of the Code of Civil Procedure of the State of Montana, relating to appearance in Justice's Courts," recommend that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 254, entitled "A Bill for an Act to amend Section 1260, and to repeal Section 1261 of Chapter 5 and to amend Section 1411, Chapter 10, of the Political Code of the State of Montana relative to judges of election," recommend that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 278, entitled "A Bill for an Act to amend Section 1060 of the Code of Civil Procedure of the State of Montana, relating to challenges of jurors," recommend that the same do pass.

Report adopted.

Also:

Helena, Montana, Feb. 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 285, entitled "A Bill for an Act to amend Section 4807 of the Political

Code relating to the contracts of municipal corporations," recommend that the same do pass.

Report adopted.

Also:

Helena, Montana, Feby. 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 273, entitled "A Bill for an Act entitled An Act to amend Section 2931 of the Code of Civil Procedure of Montana, and to extend the powers of the Clerk of the District Court in the absence of the Judge," recommend that the same be indefinitely postponed.

Report adopted.

Miller, from the Committee on House Employees, reported as follows:

Mr. Speaker:

Your Committee on Employees respectfully reports that the chairmen of some committees are asking for the appointment of additional clerks, and in view of the fact that some of the committees have practically completed their work and a number of clerks now on pay roll are not busy, it is the opinion of your committee that no more clerks should be employed.

Report adopted.

Walker, from the Committee on Corporations Other Than Municipal, reported as follows:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

Your Committee on Corporations Other Than Municipal, having had under consideration House Bill No. 186, A Bill for an Act entitled: "An Act to compel street railway companies to protect certain of their employees from inclemencies of the weather, while performing services, and providing penalties for violation of the same," report the same back favorably as amended, as follows:

To amend Section 1, line 1, after the word "of" strike out the word "November," and insert in lieu thereof the word "December." Further amend Section 1, by adding the following after the word "car," last line: "Provided further that during a fog or fall of snow sufficient to obscure the view of motormen he may be allowed to remove the glass in his immediate front so that same shall not prevent the safe operation of the car."

Amend Section 2, line 1, after the word "said," strike out the word "November," and insert in lieu thereof the word "December." And to further amend Section 2, last line, after the word "Act" to add the following: "Except that any Street Railway Company may at all times of the year run special cars not so protected, not more than four consecutive hours in one day."

Report adopted.

Also:

Mr. Speaker:

Your Committee on Corporations Other Than Municipal, having had under consideration House Bill No. 177, A Bill for an Act entitled: "An Act to prohibit the making or publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary conditions or property of any cor-

poration, joint stock association, co-partnership or individual, which said statements or publications are intended to give, or shall have a tendency to give, a less or greater apparent value to the shares, bonds, or property, or any part thereof of said corporation, joint stock association, co-partnership or individual, than the said shares, bonds or property shall really and in fact possess, and providing a penalty therefor," report the same without recommendation, and ask that it be printed.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Corporations Other Than Municipal, having had under consideration Senate Bill No. 25, A Bill for an Act entitled "An Act to amend Chapter XXXII. of the Laws of 1903, relating to annual reports of corporations," report the same favorably.

Report adopted.

Decker, from the Committee on Irrigation and Water Rights, reported as follows:

Helena, Montana, Feby. 14, 1907.

Mr. Speaker:

We, your Committee on Irrigation and Water Rights, beg leave to report that we have, together with a like Committee from the Senate, been carefully over the work done by the Commission created by action of the Ninth Legislative Assembly, for the purpose of drafting and furnishing a new Irrigation Code, to be acted upon during this session, and after becoming as familiar with the work as we were able, and with the assistance of practical irrigators as well as prominent citizens, together with some of the best attorneys on water rights in our State, we have concluded that the Code offered, even as amended, is not only unwieldy, but partakes too much of the theoretical and not enough of the practical part of Irrigation, and in our judgment would disappoint the very ones whom it should be made to protect.

We, therefore, recommend an indefinite postponement of said Code, and ask permission to offer the accompanying bill believing that the water users of our State will, by our so doing, be better protected and better satisfied than by changing the whole system.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Logan, by request, H. B. No. 327. A bill for an Act to promote the propagation of fish and game, and to provide for the appointment of County Game and Fish Commissioners.

By Scallon, H. B. No. 328. A Bill for an Act relating to the valuation of the property of railroads, for all purposes of rate regulation, by the Board of Railroad Commissioners, or the Courts, and providing rules of evidence relating to the same.

By Irrigation Committee, H. B. No. 329. A Bill for an Act to regulate the appropriation of water in streams in which the rights therein have been adjudicated.

By Marshall, H. B. No. 330. A Bill for an Act entitled, "An Act to es-

establish a Board of Fire Insurance Commissioners for the State of Montana; to define their powers and duties in the matter of adjusting and regulating rates, charges and premiums of insurance upon property by fire insurance corporations and companies; and to provide remedies for the enforcement of this Act and penalties for the violation thereof."

By Blake, by request, H. B. No. 331. A Bill for an Act entitled, An Act to regulate the practice of barbering in the State of Montana; to establish a State Board of Barber Examiners, and to provide for Sanitary Inspection of barber shops.

By Towers, by request, H. B. No. 332. A Bill for an Act to amend Sections 1 and 3 of an Act of the Seventh Legislative Assembly, entitled: "An Act relative to the powers and duties of Justices of the Peace and fixing their compensation in certain townships."

By Cameron, H. B. No. 333. A Bill for an Act to amend Section 4044 of the Political Code of Montana as amended by Chapter XCII, Laws of 1903, relating to licenses.

By Gray, H. B. No. 334. A Bill for an Act entitled, "An Act to provide for the division of the various counties into districts to be known as Commissioners' Districts."

By Gray, by request, H. B. No. 335. A Bill for an Act entitled "An Act to amend Section 1763 of Chapter II, Title XIII, Part II, of the Code of Civil Procedure of the State of Montana, relating to appeals to District Courts."

By Weed, by request, H. B. No. 336. A Bill for an Act entitled "An Act appropriating money for the payment of the claim of Powell County against the State of Montana on account of money expended in prosecuting an inmate of the State Prison."

By McDonald, H. B. No. 337. A Bill for an Act to amend Section 4756 of the Political Code, relating to officers of elections, places of voting and election districts, and election matters in municipal corporations.

By Cummings, by request, H. B. No. 338. A Bill for an Act entitled: "An Act regulating the payment of expenses of State and County Officers; defining offenses in relation thereto, and prescribing punishment for such offenses."

Unanimous consent was given Morgan to introduce a Bill without having given notice.

By Morgan, H. B. No. 339. A Bill for an Act limiting the liabilities of incorporated cities and towns for damages from personal injuries on sidewalks and streets.

On motion by Marshall, House Bill No. 37 was made a special order of business for Monday afternoon.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 327, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 328, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 329, read first and second times by title only, and referred to Committee on Irrigation and Water Rights.

H. B. No. 330, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 331, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 332, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 333, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 334, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 335, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 336, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 337, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 338, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 339, read first and second times by title only, and referred to Committee on Affairs of Cities.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 42 was this day read third time and passed, and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 12 and 73 were this day read third time and concurred in, and are herewith returned to the House.

Respectfully, H. K. HOWRY, Secretary.

Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced and read first and second times:

By Rae, Senate Bill No. 88. A bill for an Act entitled, "An Act to withdraw certain lands in Fergus County from sale, lease or other disposition by the State, and to dedicate the same as a public cemetery." Referred to Committee on Public Lands.

By McDonnell, Senate Bill No. 89. A Bill for an Act to require paddle wheels or screens to be placed in all ditches and canals for the protection of fish. Referred to Committee on Irrigation and Water Rights.

By Bielenberg, Senate Bill No. 90. A Bill for an Act prohibiting the exhibition of moving pictures wherein are exhibited the pictures of burglaries, train robberies, or any other act which would constitute a felony." Referred to Committee on Public Morals.

By Haviland, Senate Bill No. 91. A bill for an Act to require paddle wheels or screens to be placed in all ditches and canals for the protection of fish. Referred to Committee on Irrigation and Water Rights.

By Annin, Senate Bill No. 92. A Bill for an Act entitled, "An Act to create the County of Roosevelt, designating and defining its boundaries, and to provide for its organization and Government, and to apportion the indebtedness existing between said County of Roosevelt and the Counties of Carbon, Sweet Grass, and Yellowstone. Referred to Committee on Counties, Towns and Municipal Corporations.

By Martien, Senate Bill No. 93. A bill for an Act for regulating the sale of electrical power in the State of Montana. Referred to Committee on Corporations Other Than Municipal.

By unanimous consent Senate Bills numbered 88, 89, 91 and 92, were introduced without previous notice.

Respectfully,

H. K. HOWRY, Secretary.
Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of the following Bills were this day given:

By Everett. A Bill for an Act to amend an Act to amend Sections 2956 and 2990, and to repeal Section 2958 of the Political Code as amended by Chapter L, Session Laws of the Eighth Session of the Legislature of the State of Montana, relating to the publication of the estray list.

By Romney. A Bill for an Act authorizing Board of County Commissioners to vacate parks, boulevards and other public grounds, in plats of unincorporated town sites upon petition of interested freeholders.

By Cowgill. A Bill providing that the Board of County Commissioners in each County may allow county officers a greater number of deputies than the maximum number allowed by law, when in the judgment of the Board of County Commissioners such greater number of deputies is needed for the proper conduct of the business of any such County, and fix the salary of such deputies appointed in excess of the maximum allowed by law.

Respectfully,

H. K. HOWRY, Secretary.
Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that amendments by the House to Senate Bill No. 6 were this day concurred in by the Senate.

Respectfully,

H. K. HOWRY, Secretary.
Helena, Montana, Feb. 13, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

House Bill No. 169, by Whiteside, was this day introduced, read first and second times, and referred to Committee on Roads, Highways and Bridges.

Respectfully,

H. K. HOWRY, Secretary.

READING OF SENATE BILLS.

Senate Bill No. 42, read first and second times by title only, and referred to Committee on State Lands.

THIRD READING OF HOUSE BILLS.

Substitute for House Bills Nos. 19 and 44, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, and Mr. Speaker pro tem.—60.

Noes.—None.

Absent and not voting. Cato, Corby, English, Griffin, Maxwell, Miles, Morgan, Selway, Thompson of Fergus, Weed, Wilham, Logan and Mr. Speaker.—13.

Title agreed to.

House Bill No. 74, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, King, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Whiteside, Wilder and Mr. Speaker pro tem.—60.

Noes.—None.

Absent and not voting.—Beckwith, Campbell, Cato, Corby, Griffin, Logan, Miles, Morris, Selway, Thompson of Fergus, Warren, Weed, and Wilham.—13.

Title agreed to.

House Bill No. 164, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thomp-

son of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker pro tem.—60.

Noes.—None.

Absent and not voting.—Campbell, Cato, Gray, Griffin, King, Logan, Miles, Moore, Morris, Selway, Thompson of Fergus, Warren, and Wilham.—13.

Title agreed to.

House Bill No. 232, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Potter, Powers, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker pro tem.—59.

Noes.—None.

Absent and not voting.—Bennett of Madison, Campbell, Cato, Griffin, King, Miles, Morris, Patten, Root, Ross, Selway, Thompson of Fergus, Warren, and Wilham.—14.

Title agreed to.

House Bill No. 249, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Corby, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, McDonald, McManus, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker pro tem.—56.

Noes.—Cluston, Kirwan, Longstaff, and Macaulay.—4.

Absent and not voting.—Bennett of Madison, Cameron, Cato, Griffin, Hess, King, Miles, Miller of Lewis and Clark, Morris, Selway, Thompson of Fergus, Warren and Wilham.—13.

Title agreed to.

House Bill No. 182, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Leighton, Logan, Manchester, Marshall, Maxwell, Moore, Morgan, Macaulay, Root, Ross, Scallon, Shaw, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Wilder.—45.

Noes.—Blake, Blewett, Duncan, Fisher, Gerber, Kroger, Longstaff, Miller of Lewis and Clark, Miller of Park, McDonald, McManus, Patten, Potter, Sherman, Whiteside and Mr. Speaker.—16.

Absent and not voting.—Cato, English, Griffin, Miles, Morris, O'Connor,

Powers, Seidler, Selway, Thompson of Fergus, Warren and Wilham.—12.

Title agreed to.

The House took a recess at 12 o'clock noon until 2 P. M.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feby. 14, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 132, 9, 43, 34, 178, 213, 115 and 81. have been correctly printed.

Weed, from the Committee on Insurance, reported as follows:

Mr. Speaker:

Your Committee on Insurance, to whom was referred House Bill No. 175, introduced by Weed, entitled "A Bill for an Act to require an annual apportionment and accounting of the surplus of Life Insurance Companies as to policies heretofore issued," beg leave to report the bill back to the House with the recommendation that it be referred to the Judiciary Committee.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Insurance, to whom was referred House Bill No. 304, introduced by Seidler, entitled "A Bill for an Act to amend Section 670 of Chapter I, Title 4, of the Civil Code relative to Insurance Companies," beg leave to report and recommend that the bill do pass.

Report adopted.

Mr. Speaker announced that he had appointed a Steering Committee, consisting of Miller of Park, Allen, Corby, Potter and Swindlehurst.

THIRD READING OF HOUSE BILLS.

House Bill No. 167, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Goff, Gray, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Powers, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Wilder and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Barbour, Blake, Brewster, Campbell, Cato, Corby, Farmer, Fisher, Greene, Griffin, Harbordt, Manchester, Maxwell, Miles, Mc-

Donald, O'Connor, Potter, Seidler, Thompson of Fergus, Warren, Weed, White-
side and Wilham.—23.

Title agreed to.

House Bill No. 145, having been read three several times, was passed by
the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennets of Silver
Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby,
Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Goff, Gray,
Harden, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall,
Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris,
McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon,
Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers,
Walker, Wendel, Whiteside, Wilder, and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Blake, Campbell, Cato, Farmer, Fisher, Greene,
Griffin, Harbordt, Kirwan, Leighton, Miles, O'Connor, Thompson of Fergus,
Tudor, Warren, Weed, and Wilham.—17.

Title agreed to.

House Bill No. 234, having been read three several times, was passed by
the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennet of Madison, Bennets of Silver
Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cum-
mings, Cutler, Decker, Duncan, English, Gerber, Goff, Gray, Harden, Hess,
Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of
Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus,
Maculay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw,
Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed,
Wendel, Whiteside, Wilder and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Blake, Campbell, Cato, Corby, Farmer, Fisher,
Greene, Griffin, Harbordt, Kirwan, Leighton, Miles, O'Connor, Thompson of
Fergus, Warren, and Wilham.—16.

Title agreed to.

House Bill No. 217, having been read three several times, was passed by
the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow,
Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston,
Cummings, Cutler, Decker, Duncan, English, Gerber, Gray, Harbordt, Harden,
Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester,
Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan,
Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross,
Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers,
Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Barbour, Blake, Campbell, Cato, Farmer, Fisher,
Goff, Greene, Griffin, Miles, O'Connor, Seidler, Thompson of Fergus, Warren,
and Wilham.—15.

Title agreed to.

House Bill No. 210, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Decker, Duncan, English, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Weed, Wendel, Whiteside, and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Barbour, Blake, Campbell, Cato, Cutler, Farmer, Griffin, Miles, O'Connor, Scallon, Selway, Thompson of Fergus, Walker, Warren, Wilder and Wilham.—16.

Title agreed to.

House Bill No. 237, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Decker, Duncan, English, Fisher, Gerber, Goff, Greene, Gray, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Potter, Powers, Root, Ross, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Barbour, Blake, Campbell, Cato, Cutler, Farmer, Griffin, Harbordt, Miles, O'Connor, Patten, Selway, Shaw, Thompson of Fergus, Warren and Wilham.—16.

Title agreed to.

House Bill No. 200, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Duncan, English, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Whiteside, Wilder, and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Barbour, Campbell, Cato, Cutler, Decker, Farmer, Griffin, Leighton, Miles, Miller of Park, O'Connor, Selway, Thompson of Fergus, Warren, Weed, and Wilham.—16.

Title agreed to.

House Bill No. 235, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennet of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cum-

mings, Decker, Duncan, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Whiteside, Wilder and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Barbour, Campbell, Cato, Corby, Cutler, English, Farmer, Griffin, Miles, Moore, Morris, O'Connor, Seidler, Thompson of Fergus, Warren, Weed, and Wilham.—17.

Title agreed to.

NOTICES OF BILLS.

By Morris. A Bill for an Act to provide for license of peddlers and canvassers for agricultural implements, and other articles, and to repeal Chapter 56 of the Laws of 1903.

By Brewster. A Bill for an Act entitled: "An Act to provide for the gathering and sale of unknown strays upon the public domain."

By Seidler. A bill to provide for the publication of Legislative enactments.

By Boorman. A Bill permitting fish to be taken from St. Mary's Lake with a net or seine and authorize the sale of the fish so caught in the markets of the United States.

REPORTS OF STANDING COMMITTEES.

Allen, from the Committee on Ways and Means, reported as follows:

Helena, Montana, Feby. 14, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration Senate Joint Resolution No. 2, being a resolution respecting the printing contract, beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, Feby. 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 305, entitled: "A Bill for an Act entitled 'An Act to provide for an additional judge for the Fourth Judicial District, so that there will hereafter be two Judges in said District, one of whom shall keep his chambers at the town of Hamilton, Ravalli County.'" recommend that the same do pass.

Report adopted.

Also:

Helena, Montana, Feby. 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 14, entitled: "A Bill for an Act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as said Section is amended by an Act approved March 11, 1901, entitled "An Act to amend Section 32, Title

I, Part I, Chapter IV, of the Code of Civil Procedure, and to provide for an additional judge for the Second Judicial District of the State of Montana," relating to the election and term of office of District Judges," recommend that the said bill be amended by adding at the end of Section 1 the words "and in the Fourth Judicial District there must be two judges, one of whom shall keep his chambers at the town of Hamilton."

Further, we report that we have had public hearings on this bill, in regard to the reduction of the number of judges in the First Judicial District and we find that most of the members of the bar of the district are in favor of the retention of the present number and they insist that there should be two judges in this district. Others, including some tax payers and some of the lawyers believe that one judge can handle the business under present conditions. In view of this, your committee respectfully reports the bill back to the House for its consideration without any recommendation as to this feature of the bill.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 157, introduced by Walker, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1, by striking out in lines 13 and 14, the words "is as follows," and inserting in lieu thereof the words "shall not exceed the following."

Amend Section 1 by striking out in line 19 "each deputy," and inserting in lieu thereof "all other deputies;" and after the word "one" by striking out the words "thousand, five" and inserting after the word "hundred" the words "and fifteen;" and by adding after the word "dollars" the words "per month."

In line 22 after the word "thousand" by striking out "eight" and adding in lieu thereof the word "five."

In line 23 by striking out the words "each deputy," and inserting in lieu thereof "All other deputies," and after the word "one" by striking out "thousand, five," and inserting after the word "hundred" the words "and fifteen," and adding after the word "dollars" the words "per month."

In line 26, by striking out "sixteen" and inserting in lieu thereof "fifteen," and striking out the words "and fifty."

In line 27 by striking out the words "each deputy," and inserting in lieu thereof "all other deputies," and by striking out the words "thousand, five," and inserting after the word "hundred" the words "and fifteen," and by adding after "dollars" the words "per month."

In line 30 by adding the word "one" before the word "other," and striking out the word "deputies" and inserting the word "deputy," and by adding after the word "dollars." "all other deputies one hundred and fifteen dollars per month."

In line 32 by striking out the word "eight" and inserting in lieu thereof the word "five."

In line 34 by striking out the word "fifty" and inserting in lieu thereof the word "twenty-five."

In line 36, by striking out the words "one hundred."

In line 39, by striking out the words "thousand, eight" and inserting after the word "hundred" the words "and fifteen," and after the word "dollars," by adding "per month."

In line 40, by adding the word "all" before the word "other," and by striking out the words "thousand, five" and inserting after the word "hundred," the words "and fifteen," and by adding after the word "dollars" the words "per month."

Amend Section 1 by striking out all of the Section under "Counties of the Second and Third Class" and inserting in lieu thereof: "Under Sheriff, \$1650; Each Deputy, \$1320; Each Deputy Clerk and Recorder, \$1320; Chief Deputy Clerk District Court, \$1650; other Deputy Clerks District Court, \$1320; Deputy Treasurer, \$1320; Deputy Assessor, \$1320; Deputy County Attorney, \$1320; Deputy Auditor, \$1320."

Amend line 54 by striking out the words "Fifteen Hundred" and inserting in lieu thereof "Thirteen Hundred and Eighty (\$1380);" also amend line 55 the same; also amend line 56 the same.

Amend Section 1 by inserting in line 60, after the word "deputy" the word "County."

Also having had under consideration House Bill No. 78, introduced by Towers, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by inserting after the word "finishing" the words "and furnishing" in line 2.

Amend Section 3 by inserting in line 8, after the word "Dollars," the words "for the fiscal year of 1907."

Also having had under consideration House Bill No. 116, introduced by Kirwan, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by striking out all of the present title and substituting therefor the following title: "A Bill for an Act entitled: "An Act to regulate the size and manner of construction of all caboose cars used by any person, corporation or company, within the State of Montana and providing a penalty for the violation thereof."

Amend Section 1, by adding after the word "suitable" in line 4, the following: "water closets."

Amend Section 1 by adding to the end of said section the following: "Provided that this does not apply to any person, company or corporation operating a private line for private use." Report adopted.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Mr. Speaker:

Helena, Montana, Feby. 14, 1907.

Your Committee on Printing begs leave to report that House Bill 233 has been correctly printed.

Weed, from the Committee on Insurance, reported as follows:

Mr. Speaker:

Your Committee on Insurance, to whom was referred House Bill No. 226, introduced by Weed, entitled "An Act to provide certain requirements of Life Insurance Companies organized in the State of Montana, and also relating to admissions of Life Insurance Companies organized in another State and applying to transact business in this State," beg leave to report that we have had such bill under consideration and report the same back with amendments, and as amended recommend that the bill do pass.

Amend Section 2 by inserting after the word "direct" on line 17, the following: "but not later than two years from date of issuance of Auditor's certificate."

Amend Section 3 by inserting after the word "of" at the end of line 4 the words "at least," and inserting after the comma following the word company, on line 9 of Section 3, the following: "that the whole amount of the annual premium has been paid for in cash at adequate rates." Also striking out the balance of this paragraph to the end of the Section.

Amend Section 4 by striking out, after the word "company," in line 2, the words "nor as a premium note for the purpose of organizing a mutual company."

Amend by inserting as Section 5 the following, and re-number the Sections thereafter accordingly, subject to other amendments.

Section 5. DEPOSIT OF SECURITIES. VALUATION OF POLICIES. As soon as practicable after the filing of annual statement, the Auditor shall ascertain the net cash value of every policy in force upon the basis of the American table of mortality and four and one-half per cent. interest, or actuaries' combined experience table of mortality and four per cent. interest, in all companies organized under the laws of this State. For the purpose of making such valuation he may employ a competent actuary, who shall be paid by the company for which the service is rendered; but the company may make such valuation and it shall be received by the Auditor upon satisfactory proof of its correctness. The net cash value of all policies in force in any such company being ascertained, the Auditor shall notify it of the amount, and within thirty days thereafter the officers thereof shall deposit with the Auditor the amount of the ascertained valuation in the securities specified in this Act. No stock company organized under the laws of this state shall be required to make such deposit until the cash value of the policies is in force, as ascertained by the Auditor, exceeds the amount deposited by it as capital. PROVIDED, that mutual companies, upon their organization, shall deposit with the State Auditor at least one-half of the first annual premium in securities as provided for in this Act.

PROVIDED, further, that all the companies provided for in this Act shall have the right at any time to change the securities on deposit by substituting a like amount of the character required in the first instance. If the annual valuation of the policies in force shows them to be less than the amount of security deposited, then the company, in the case of a stock company, may withdraw such excess but at any time cannot be less than twenty-five thousand dollars on deposit.

Insert a new section after Section 21, as follows:

"Section 21. The provisions of the Act of the Seventh Legislative Assembly, approved March 9, 1901, and relating to the conditions upon which foreign corporations may do business in this state, known as Senate Bill No. 46, shall not apply to foreign insurance companies that comply with the provisions of this Act.

Re-number succeeding sections to agree therewith.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Whiteside in the chair.

House resumed.

Mr. Speaker in the chair.

Whiteside, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 123, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 197, introduced by Weed, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 3, the word "March" and inserting in lieu thereof the word "May."

Also having had under consideration House Bill No. 200, introduced by Live Stock Committee, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 9, by striking out in line 173 the word "defrauding" and inserting in lieu thereof the word "defraying."

Also having had under consideration House Bill No. 120, introduced by Marshall, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by striking out in lines 2 and 3 the words "by unlicensed persons; to provide for the issuance of licenses therefor, and to dispose of the funds arising from such licenses."

Amend Section 1 by striking out the following words in lines 20 and 21, to-wit: "unless licensed so to do under the provisions of this Act."

Strike out Sections 2, 3, 4, 5 and 6.

Amend Section 8 by striking out in lines 78 and 79 the following words, to-wit: "unless the same have been sold or registered by a person licensed so to do under this Act."

Strike out Sections 12 and 13.

Re-number all the Sections in consecutive order.

Report adopted.

On motion of Morgan, House Bill No. 42 was withdrawn from General Orders and recommitted to Committee on Affairs of Cities.

NOTICES OF BILLS.

By Marshall. A Bill for an Act entitled An Act regarding pool rooms, pool selling and registering of bets, and to punish the keeping of pool rooms,

bookmaking and pool selling, and recording of bets by unlicensed persons; to provide for the issuance of licenses therefor, and to dispose of the funds arising from such licenses; and to provide civil and criminal liabilities and penalties for the violation of its provisions and civil actions for the recovery of money lost on any pool or bet sold or registered contrary to this Act and repealing and prohibiting ordinances on the subject and repealing Acts in conflict herewith."

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit Substitute for House Bill No. 45 correctly engrossed.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feby. 14, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that Substitute for House Bill No. 23 has been correctly printed.

On motion of McManus, the House adjourned at 5:25 P. M. until tomorrow at 10:30 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FORTIETH DAY

Friday, February 15, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, Griffin, O'Connor and Thompson of Fergus. Griffin and Thompson excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Thursday, February 14, and believe same to be correct.

Report adopted.

Mr. Speaker appointed Bennett, Tudor and Macaulay as Committee on Printing Contract, pursuant to Senate Joint Resolution No. 2.

MOTIONS AND RESOLUTIONS.

By Burke: "I move that the thanks of the House be extended to Representative Marshall and his colleagues of the Missoula delegation, for their courteous invitation to visit the University City."

Motion carried.

NOTICES OF BILLS.

By Miller of Lewis and Clark. by request. A Bill for an Act entitled,

"An Act to regulate the licensing of itinerant vendors and to fix the amount of such licenses."

By Campbell. A Bill for an Act entitled, "An Act to authorize and empower cities of the first class to provide and maintain a hospital for the care of emergent cases, and to provide for the support and maintenance of such hospital."

By Campbell. A Bill for an Act entitled, "An Act to amend Section 3900, Chapter 10, Title 10, Part Three, of the Political Code of the State of Montana, relating to poll tax."

By Marshall. A Bill for an Act appropriating the sum of Three Hundred and Seventy-five Dollars to pay Dr. George H. Putney for services rendered as Meat and Milk Inspector, for the months of December, 1904, and January and February, 1905.

By Cutler. A Bill for an Act entitled, "An Act providing for the working of the convicts in the Montana State Penitentiary upon the public roads and highways within any county in the State of Montana."

REPORTS OF STANDING COMMITTEES.

Miller of Lewis and Clark, from the Committee on Employees, reported as follows:

Mr. Speaker:

Your Committee on Employees respectfully reports that the Chairman of the Engrossment Committee on Monday last, recommended Miss Margaret Doyle as clerk of that Committee. Your Committee could not get a meeting and under the impression that it had recommend the appointment, he has had her at work from the 11th of the month. Your Committee found her competent and in view of the circumstances recommends the appointment to date February 11th.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:
Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 214. A Bill for an Act entitled: "An Act appropriating the sum of Two Thousand Five Hundred Dollars, or so much thereof as may be necessary, for the erection of an addition to the power house in connection with the State Capitol building for use as a Cafe," have had same under consideration and recommend that it be indefinitely postponed.

Report adopted.

Also:

Feb. 15, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 85, A Bill for an Act entitled "An Act making appropriations for the maintenance of the Montana State Fair and for permanent improvements on the grounds thereof for the fiscal years ending November 30th, 1907, and November 30th, 1908," have had same under consideration and recommend that it be printed and placed on general orders."

Report adopted.

Also:

Feb. 15, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 282, A Bill for an Act entitled: "An Act approving certain duplicate bounty certificates and appropriating money for the payment thereof," have had same under consideration and recommend that it be passed.

Report adopted.

Also:

Feb. 15, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred Senate Bill No. 1. A Bill for an Act entitled: "An Act appropriating money for the relief and benefit of the Montana State Normal College," having had same under consideration, recommend that it be concurred in.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 15th day of February, 1907:

House Bill No. 12. An Act to repeal an Act entitled: "An Act to provide for assistants for the office of Attorney General and fix the salaries thereof," approved March 9, 1901; and to provide for the appointment of two assistant attorneys general and a stenographer for the attorney general's office, and fix the salaries thereof."

House Bill No. 73. An Act to provide for the filing of transcripts of judgments from the Circuit and District Court of the United States Ninth Circuit, District of Montana, with the District Court's Clerk of any County in this State, and when so filed such judgment to become a lien upon all real property of the judgment debtor not exempt from execution in such county."

Mr. Speaker announced that he was about to sign House Bills Nos. 12 and 73, and signed the same in the presence of the House.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 318, entitled "A Bill for an Act concerning bonds, recognizances and written undertakings entered into or taken by an officer," recommend that said bill do pass.

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 284, entitled "A Bill for an Act entitled "An Act to amend Sections 280 and 282 of the Code of Civil Procedure of Montana, relating to the summoning of jurors," recommend that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 38, entitled, "A Bill for an Act entitled 'An Act to validate the official acts of Notaries Public within the State of Montana, which acts have been performed since the 15th day of February, 1905,'" recommend that Section 2 of said bill be stricken out and that Section three thereof be numbered Section II and that as so amended the said bill be concurred in.

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 315, entitled "A Bill for an Act entitled 'An Act to regulate the confiscation of coal by railroads and common carriers and providing penalties for the violation of this Act,'" recommend that said bill be amended as follows:

Add to Section 2, after the word "fuel" the following: "But in every case wherein coal or other fuel is taken or used by any such person, railroad company or common carrier, it shall be the duty of such person, railroad company or common carrier to notify the consignee by telegram or letter, immediately, of the taking of such coal and to pay and compensate him therefor within thirty days from the time of the taking."

And when so amended, the said bill do pass.

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 208, entitled "A Bill for an Act appropriating money for the payment of deficiency claim in connection with the office of Attorney General," which said bill was referred to this Committee for an opinion upon its constitutionality, beg leave to report that there is nothing on its face to suggest any unconstitutionality or impropriety; that this Committee does not believe it is authorized, under the reference, to investigate the facts of the case, having no authority to send for persons or papers, or to conduct an official investigation, without special directions from the House.

Report adopted.

Also:

Helena, Montana, February 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 20, entitled "A Bill for an Act to amend Section 4632 of Part IV, Title II, of the Political Code of the State of Montana, relating to fees of notaries public," recommend that said bill be amended as follows:

Out of Section 1 of Said bill strike line 11, 12, 13, 14, 15, 16, 17 and 18, beginning with the words "For drawing an affidavit" and ending with the words in line 18, "including the certification of same, with seal," and in lieu thereof insert "For drawing an affidavit, deposition, or other paper for

which provision is not herein made, for each folio, unless otherwise prescribed, twenty cents. For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, one dollar. For each additional signature, fifty cents. For administering an oath or affirmation, twenty-five cents. For certifying an affidavit, with or without seal, including oath, fifty cents."

That when so amended, said bill be concurred in.

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 105, entitled "A Bill for an Act entitled "An Act to repeal Sections 4072, 4073, 4080, and 4082, of Article II, Chapter XIII, Political Code of Montana, and Sections 4075 and 4079 of Article II, Chapter XIII, Political Code of Montana, as amended by House Bill No. 162, approved March 6, 1897, and Section 4064 of Article II, Chapter XIII, Political Code of Montana, as amended by House Bill No. 80, approved March 4, 1901, relating to licenses," recommend that the same be indefinitely postponed, the purpose of it having been accomplished by the bill which has passed both houses, viz. Senate Bill 11.

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 319, entitled "A Bill for an Act concerning the jurisdiction of District Courts and to amend Section 39 of the Code of Civil Procedure," recommend that said bill do pass.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 15, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 275, A Bill for an Act entitled: "An Act appropriating money for the relief and benefit of the Montana State Normal College," return same and recommend that same be indefinitely postponed for the reason that Senate Bill No. 1 is for the same purpose.

Report adopted.

Miller of Park, from the Committee on Education, reported as follows:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 119, introduced by Cluston, being a Bill for an Act entitled "An Act providing for submitting to the qualified electors of the State of Montana, an amendment to Section 11, Article 9, of the Constitution of the State of Montana, authorizing the Legislative Assembly of the State of Montana to prescribe additional qualifications for County Superintendents of Schools and for the State Superintendent of Public Instruction, beg leave to report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 270, introduced by Gerber, being a Bill for an Act entitled "An Act prohibiting the use of fire arms by children under the age of sixteen years," beg leave to report the same back to the House with the recommendation that the same do pass, with the following amendments:

That wherever in said Bill the word "sixteen" appears before the word "years" the word "sixteen" be stricken out, and "fourteen" be inserted in its place."

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 268, introduced by Shaw, being a Bill for an Act to amend Section 1900 and Section 1904, as amended by the Laws of 1897, Article 12, Chapter 6, Title 3, Part 3, of the Political Code of the State of Montana, relating to County Teachers' Institutes and to the means of raising funds to defray the expenses of such institutes, beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 180, introduced by Moore, by request, being a Bill for an Act to amend Section 1752 of the Political Code, relating to boundaries of school districts, beg leave to report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 15, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 252, introduced by Miller of Park, being a Bill for an Act providing that all graduates of the University of Montana, who have completed a certain amount of work in the department of Psychology and Method, shall be entitled to teach in the public schools of the State, without other or further examination, beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also:

Helena, Montana, February 15, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred Senate Bill No. 44, introduced by White, being a Bill for an Act entitled "An Act to amend Section 1770 of Article IV, of the Political Code of the State of Montana, as

amended by the Sixth Legislative Assembly," approved March 6, 1897, and as further amended by the Seventh Legislative Assembly, approved March 3, 1899, relative to elections in school districts, beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railways and Transportation, to which was referred House Bill No. 135, a Bill for an Act defining warehousemen and warehouse receipts, prohibiting the issuance and sale or negotiation of duplication, substitute, pretended, or non-negotiable warehouse receipts and prescribing the punishment for violations thereof, having had the same under consideration, respectfully report the same back with the recommendation that it be printed and placed on General Orders.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 15, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 106, 122, 188, 121, H. J. M. 2, 160 and 153, have been correctly printed.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 313, A Bill for an Act to amend Section 607 of the Political Code of the State of Montana, relating to the fees of candidates for examination for license to practice medicine and surgery in the State of Montana, and application thereof," having had the same under consideration respectfully report the same back with the recommendation that it do pass.

Report adopted.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railways and Transportation, to which was referred Senate Bill No. 15, A Bill for an Act entitled, "An Act to prevent the obstruction, blockading or interfering with the free use of public highways where the said highways cross any railroad track outside of incorporated cities and towns within the State of Montana, and providing a penalty therefor," having had the same under consideration, respectfully report the same back and recommend that it be amended as follows:

Strike out the word "person" in line 1 of Section 1; and strike out the words "or any agent, servant or employee of any such person, corporation, association or company," in lines 2 and 3 of Section 1; amend by inserting the word "wilfully" before the word "obstruct" in line 4 of said Section.

Amend by striking out the word "ten" in line 8, before the word "minutes," and insert in lieu thereof the word "fifteen," in said Section 1. By striking out the word "person" in line 11 of said Section.

By striking out the words "or any agent, servant or employe of any such corporation, association or company, including conductors, engineers or fire-

men in charge of any railroad train, locomotive switch engine or cars," in lines 12, 13, 14 and 15 of said Section 1.

And that as amended, recommend that the same be concurred in.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 280, A Bill for an Act preventing the manufacture and sale of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and providing for the administration and enforcement thereof, and for the creation of the office of State Chemist, prescribing and defining his duties and fixing the salary and expenses of said office," having had the same under consideration, respectfully report the same back with the following recommendations:

That said bill be amended by adding to the title thereof the following words: "And making an appropriation for the salary and expense of the State Chemist."

Amend Section 2, line 4, by inserting after the word "Senate," the following: "and who shall take office October 1st, 1907."

Amend by adding to Section 3 the following words: "and such other duties as may be prescribed by law."

Amend Section 4, line 16, by striking out the words "or officer" immediately following the word "analyst;" also amend Section 4, line 17, by striking out the word "thereof," and inserting in lieu thereof the words "of the officer making the analysis."

Amend by striking out all of Section 4 beginning with the word "He" in line 17 thereof, and ending with the word "month" in the last line of said Section, and inserting in lieu thereof the following: "After judgment of the Court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. And the State Chemist shall, once every month, report all violations of this Act to the Secretary of the State Board of Health."

Amend by adding to Section 7 after the word "consumption" at the end of the fourth clause, the following words: "Provided further, that in the preparation of food or drink for shipment, when preserved with a preservative in harmless quantities and solely for the purpose of arresting fermentation, and under such rules and regulations as may be prescribed by the State Chemist, and the bottle, package, label or container plainly states in legible, obvious English script or type, that the article is preserved and gives the name of the preservative used; such article shall not be deemed misbranded or adulterated within the meaning of this Act."

Amend by striking out all of Section 15, and in lieu thereof insert the following: "Section 15. Sections 2 and 3 of this Act shall be in force and effect from and after the first day of October, 1907. And all other provisions of this Act shall be in force and effect on and after January 1st, 1908."

And respectfully recommend, that the said bill as amended, do pass.

Report adopted.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 261, entitled: "An Act to amend Sections 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, and 2491, Chapter IV, Part II, of the Criminal Code of Montana, relating to the examination of witnesses conditionally," recommend that the title of said bill be amended by inserting before the words "An Act" the words "A Bill."

After the words "during the examination" at the end of Section 2486 insert the following: "The defendant, if in custody, shall be brought before the judge or the court to whom the application is made to take the deposition, and be present at the hearing. If it appears to the judge or court that the defendant is without an attorney and unable to employ one, the court shall appoint an attorney to appear for him at the hearing and upon the trial of the case. It shall be the duty of the attorney so appointed to be present at such hearing."

And that when so amended the bill do pass.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 15, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 158, 207, 231 and 192 have been correctly printed.

NOTICES OF BILLS.

By Duncan. A Bill for an Act entitled An Act requiring any corporation doing business in this State to annually file a list of the officers, directors or trustees with the Secretary of State, and a duplicate list thereof with the County Clerk of each County wherein such corporation does business, and also to provide penalties for the violation of any of the provisions of this Act.

By Shaw. A Bill relating to the publication of the State Treasurer's Report.

By Shaw. A Bill relating to publication of notices of delinquent taxes.

By Scallon. A Bill for an Act relating to the liability of employers to employes in underground mines, smelting works, concentrators, coal washers, factories and mills.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 159, 151, 236, 174, correctly engrossed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on File:

By Campbell, H. B. No. 340. A Bill for an Act making appropriations to pay the salaries of Meat and Milk Inspectors for the State of Montana for the years 1907 and 1908, and appropriating one thousand dollars for 1907, and one thousand dollars for 1908, for the payment of actual expenses incurred by the Meat and Milk Inspection Commission.

By Boorman, H. B. No. 341. A Bill for an Act to permit the use of a seine or catchnet in the St. Mary's Lakes and permitting the sale of certain fish thus caught.

By Gray, H. B. No. 342. A Bill for an Act entitled, "An Act to empower the County Commissioners to employ some suitable person to investigate and report for assessment any property or persons or corporations that has escaped taxation."

By Brewster, H. B. No. 343. A Bill for an Act entitled : "An Act to provide for the gathering and sale of unknown strays upon the public domain."

By Cameron, H. B. No. 344. A Bill for an Act to amend Sections 3941 and 3946 of Part III. Title X, Chapter IX, of the Political Code of the State of Montana, relating to the collection and cancellation of taxes on certain personal property; to provide for the appointment of the sheriff or assessor or other person as a special deputy treasurer to collect such taxes and capitation taxes, and to provide compensation for such deputy.

By Marshall, H. B. No. 345. A Bill for an Act entitled An Act regarding pool rooms, pool selling and registering of bets. and to punish the keeping of pool rooms, bookmaking, and pool selling, and recording of bets by unlicensed persons; to provide for the issuance of licenses therefor, and to dispose of the funds arising from such licenses, and to provide civil and criminal liabilities and penalties for the violation of its provisions and civil actions for the recovery of money lost on any pool or bet sold or registered contrary to this Act and repealing and prohibiting ordinances on the subject and repealing Acts in conflict herewith."

By Marshall, H. B. No. 346. A Bill for an Act to create a commission to regulate, control and supervise a "State Bank Deposit Insurance Fund;" to provide for the same; to control its investments and disbursements, and to control the receivers of insolvent state banks.

By Miller of Park, by request, H. B. No. 347. A Bill for an Act entitled: An Act to amend Section 4800 of the Political Code of the State of Montana, as amended by House Bill No. 203 of the Fifth Legislative Assembly of the State of Montana, approved March 8, 1897, and to amend Section 4814 of the Political Code of the State of Montana, relating to the Legislative Powers of Cities and Towns.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 340, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 341, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 342, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 343, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 344, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 345, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 346, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 347, read first and second times by title only, and referred to Committee on Judiciary.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 16, 32 and 11, and signed the same in the presence of the House.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 129, 172, and 130, having been read a third time and concurred in as amended in the Senate are herewith returned to the House for its concurrence in the amendments.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 165, 102, 154, 173, 126, 127, and 133, having been read a third time and concurred in, are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Judiciary to whom was referred House Bills numbered 16 and 98 having recommended that they be not concurred in, and the Senate having adopted their report, the same are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Mr. Speaker:

Helena, Montana, February 14, 1907.

I am directed by the Senate to inform your Honorable Body that the following House Bills were introduced and read first and second times:

H. B. No. 161, by O'Connor. Referred to Judiciary Committee.

H. B. No. 206, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 207, by Committee on Appropriations. Referred to Committee on Finance and Claims.

Sub. for H. B. No. 47, by Judiciary Committee. Referred to Committee on Finance and Claims.

H. B. No. 148, by Committee on Sanitary Affairs. Referred to Counties, Towns and Municipal Corporations Committee.

Respectfully,

H. K. HOWRY, Secretary.

Mr. Speaker:

Helena, Montana, February 15, 1907.

I am directed by the Senate to inform your Honorable Body that the following notice was this day given:

By Edwards. An intention to move to amend Rule XX of the Standing Rules of the Senate so as to provide that the Committee on Railroads and Transportation shall consist of nine instead of five members. Said proposed amendment shall read as follows: "27. Railroads and Transportation to consist of nine (9) members."

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 8, 27, and 64; and S. J. M. No. 1, having been read a third time and passed, are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the amendments made in the House to Senate Bills numbered 13, 28 and 30, have been concurred in by the Senate.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 14, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

By McLean, S. B. No. 94. A Bill for an Act validating the Acts of Boards of County Commissioners in establishing and locating County Free High Schools and of Boards of County Free High School Trustees, in issuing bonds for the erection of high school buildings. Referred to Committee on Counties, Towns and Municipal Corporations.

By Martien, S. B. No. 95. A Bill for an Act concerning the State Treasurer's Bond; to provide for his salary and compensation; prohibiting him from making profit for himself or other persons from the use of the public moneys of the State. Prohibiting others from paying or giving any such profit; prohibiting the use of any such moneys for any purpose not authorized by law and making any such prohibited act a felony. Referred to Judiciary Committee.

S. B. No. 96, by Romney. A Bill for an Act authorizing Boards of County Commissioners to vacate parks, boulevards, and other public highways, in plats of unincorporated townsites, upon petition of interested freeholders. Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 97, by Everett, by request. A Bill for an Act entitled "An Act to amend Sections 2956, 2957, and 2990, and to repeal Section 2958 of the Political Code, as amended by an Act of the Legislature of the State of Montana, approved March 3, 1903, Chapter L, Eighth Session Laws. Referred to Committee on Stock Growing and Grazing.

S. B. No. 98, by Cowgill. A bill for an Act entitled. "An Act authorizing

the Board of County Commissioners in each county to allow county officers a greater number of deputies than the maximum number of deputies allowed by law when in the judgment of the Board of County Commissioners such greater number of deputies is needed for the proper conduct of the business of any county officers; to fix the salary of such deputies appointed in excess of the maximum allowed by law. Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 99, by McCone. A Bill for an Act entitled, "An Act to amend Chapter 96, of the Acts of 1903, providing for the establishment of the Montana State Fair, for the appointment of a Board of Directors, Executive Officers and for the conduct and management thereof. Referred to Committee on Public Buildings.

Respectfully,

H. K. HOWRY, Secretary.

On motion by Corby, Substitute for House Bill No. 23 was taken from General Orders and placed on Third Reading.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 45, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Potter, Powers, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Allen, Brewster, Brownlee, Cato, Cutler, English, Gray, Griffin, Maxwell, McDonald, O'Connor, Root, Seidler, Thompson of Fergus.—14.

Title agreed to.

Substitute for House Bill No. 23, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cummings, Decker, Duncan, Farmer, Fisher, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Allen, Brewster, Cato, Cluston, Cutler, English, Gray, Griffin, Maxwell, Moore, O'Connor, Potter, Thompson of Fergus and Warren.—14.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 132, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 9, introduced by Tudor, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 43, introduced by Leighton, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 34, introduced by Manchester, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 178, introduced by Blake, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by inserting in line 5, after the word "account" the words "and vouchers."

Also having had under consideration House Bill No. 213, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 115, introduced by Corby, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 81, introduced by Gray, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by striking out the words "corporate authorities" and inserting in lieu thereof the words "Legislative Bodies."

Amend Section 1, line 10, by striking out the words "less a reasonable amount of depreciation" and inserting in lieu thereof the words "including renewals and extensions thereof or on the value of same if the value be less than the cost."

Amend Section 1, by striking out in line 10, the word "six" and inserting in lieu thereof the word "seven."

Amend Section 1 by striking out in line 10 the words "investment or."

Amend Section 1 by striking out in line 12 the words "of investment less a reasonable amount of depreciation," and inserting in lieu thereof the words "or value, including renewals and extensions thereof and after allowing for operating expenses including a reasonable yearly allowance for maintenance."

Amend Section 2 by striking out in lines 21, 22 and 25, the words "corporate authorities," and inserting in lieu thereof the words "legislative bodies."

Amend Section 3 by striking out in lines 28 and 30 the words "corporate authorities," and inserting in lieu thereof the words "legislative bodies."

Also having had under consideration House Bill No. 122, introduced by Warren, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend by striking out in line 5 the words "which verified claim must be supported by proper voucher showing that such expense has been incurred while in the discharge of their official duty."

Also having had under consideration House Bill No. 166, introduced by Cutler, reports same back to the House with the recommendation that it be made a special order of business for Monday at 2 o'clock.

Also having had under consideration House Bill No. 188, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass.

Report adopted.

NOTICE OF BILLS.

The following notice was given:

By Shaw, Tudor and Weed. "We hereby give notice that we will on tomorrow, or some subsequent day, introduce, under the provisions of the referendum clause of Article 5 of the Constitution of the State of Montana, as amended by Act of the Ninth Legislative Assembly, approved March 2nd, 1905, and submitted to the people of the State at the general election held November 6th, 1906, and by them adopted and approved, A Bill for an Act entitled: "An Act to create and establish a Board of Railroad Commissioners for the State of Montana, providing for the appointment and election of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof," upon this bill the referendum will be demanded."

REPORTS OF STANDING COMMITTEES.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 15, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 298, entitled "A Bill for an Act embodying the law of sales of goods, and to make uniform the law relating thereto," recommend that the said bill do pass.

Report adopted.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Feb. 15, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred House Bill No. 325, introduced by A. J. Bennett, A Bill for an Act entitled: "An Act regulating the sale and providing for the inspection of oils used for illuminating and heating purposes, and in automobiles, establishing a standard test therefor and prescribing penalties," beg to recommend striking out all of Section 2 and inserting in lieu thereof the following, to-wit:

"In testing oil for illuminating purposes the tester known as "Tabliabue's 'Closed Oil Tester'" shall be used and the oil to be tested shall not be heated

faster than one degree per second. Any oil that will emit a combustible vapor at a temperature less than 110 Degrees Fahrenheit, and gasoline used for heating, burning or power purposes in any automobile, engine, or in any machinery which falls below 68 degrees, Baume, shall be deemed below the standard grade for the purpose of this Act.

We would respectfully recommend that the bill do pass as amended.

Report adopted.

Also:

February 15, 1907.

“Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred House Bill No. 300, introduced by Scallon, being a Bill entitled “An Act regarding the organization, management, control and discipline of the police departments of cities and towns and providing for an examining and trial board in connection therewith in cities of the first class; for the appointment of members of the department, and relating to the compensation of the members of the department, and to other matters connected therewith,” beg leave to recommend that the bill be amended as follows, to-wit:

Amend Section 4 by adding thereto the following: “The council of any town or city other than a city of the first class may provide by ordinance for such a board in any such town or city. The compensation of the members of such board shall be fixed by the council but shall not exceed Ten (\$10) Dollars per day nor more than Fifty (50) Dollars per month, for each member in cities of the first class; nor more than Five (5) Dollars per day, nor more than twenty-five Dollars (25) per month for each member in any other city or in any town.

Amend Section 6 by striking out on the last two lines of said Section 6 the following: “except that it shall not have any power to punish by imprisonment.”

Amend Section 12 by adding thereto the following: “they must be able to speak and write understandingly the English Language.”

Amend Section 13 by striking out on line 2 the words “and fifty” between the words “hundred” and “nor.”

And your Committee would respectfully recommend that the bill do pass as amended.

Report adopted.

Also:

Helena, Montana, February 15, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 295, being a Bill entitled “An Act to prohibit the playing on Sunday of baseball, football and cricket within a distance less than one mile from the limits of any town of three hundred population or more,” beg leave to recommend that further action on the bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 15, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration

House Bill No. 300, being a Bill entitled: "A Bill for an Act to prohibit gun clubs from the practice of competitive shooting within a less distance than one mile of any town or village of five hundred people or more," beg leave to recommend that further action on the bill be indefinitely postponed.

Report adopted.

Ross, from the Committee on Labor, reported as follows:

February 15, 1907.

Mr. Speaker:

Your Committee on Labor, to whom was referred House Bill No. 281, introduced by Hess, being a bill for an act entitled "An Act to regulate plumbing in cities in the State of Montana, providing for the licensing of persons to carry on the business and work of plumbing, creating a board of plumbing examiners, fixing the compensation of plumbing examiners, and providing penalties for violation of the same," beg leave to report the same back to the House with the recommendation that same be indefinitely postponed, and submit as a substitute bill the following, to be known as Substitute for H. B. No. 281, introduced by Committee on Labor, which covers the same question, and recommend that the same do pass.

Report adopted.

Also:

February 15, 1907.

Mr. Speaker:

Your Committee on Labor, to whom was referred Senate Bill No. 21, introduced by Donlan, being a Bill for an Act entitled, "An Act to amend Section 552 of Article XIV, of Chapter III, of Title I, of Part III, of the Political Code of the State of Montana, relating to the inspector of boilers, beg leave to amend the same by striking out all of lines 10, 17, 18, 19 and 20 in Section 1, and substituting in lieu thereof: "There shall be a clerk to the State Boiler Inspector to be appointed by him, and who shall also when not engaged in duties as clerk of the State Boiler Inspector's Office, said clerk shall perform such duties as clerk of the State Quartz Mine Inspector and State Coal Mine Inspector's office as those offices may require. The salary of the clerk to the Boiler Inspector shall be \$1500.00 per year, and the clerk must execute an official bond in the sum of \$2000.00," and recommend that the same be concurred in as amended."

Report adopted.

Motion by Marshall that when the House adjourn, it adjourn until 10 o'clock A. M. Monday.

Motion carried.

The House adjourned at 1:35 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FORTY-THIRD DAY

Monday, February 18, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Barbour, Bennetts of Silver Bow, Campbell, Cameron, Cato, Griffin, Miles, Morris, Sherman, Thompson of Sanders, Thompson of Fergus, Towers and Weed.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Friday, February 15, and believe same to be correct. Report adopted.

NOTICES OF BILLS.

By Shaw, Tudor and Weed. A Bill appropriating money for expenses of Railroad Commission, this bill to be submitted to the people under the initiative and referendum.

By Shaw. A Bill for an Act creating a horticultural fund.

By Shaw. An amendment to the act creating the State Board of Horticulture.

By Scallon. A bill for an Act to amend Section 410 of the Civil Code, relating to the purchase of property and the issuance of stock of corporations in payment of property purchased.

REPORTS OF STANDING COMMITTEES.

Miller, from the Committee on Employees, reported as follows:

Mr. Speaker:

Your Committee on Employees respectfully reports that the Printing Committee have relieved Miss Maud Clemens and appointed James E. Stevens as proof-reader for such Committee. He is competent, and as a proof-reader was necessary, we recommend the action and appointment be confirmed.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that Substitute for House Bill 50 and House Bill 80 have been correctly printed.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 188, 43, 122, 115, 178, 78, 116, 120, 9, 200, 197, 123, 34, 213, 132, correctly engrossed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Scallon, H. B. No. 348. A Bill for an Act relating to the liability of employers to employes in underground mines, smelting works, concentrators, coal washers, factories and mills.

By Miller of Lewis and Clark, by request, H. B. No. 349. A Bill for an Act entitled: "An Act to regulate the licensing of itinerant vendors, and to fix the amount of such licenses."

By Marshall, H. B. No. 350. A Bill for an Act to appropriate the sum of Three Hundred and Seventy-five Dollars (375.00), to pay Dr. George H. Putney for services as Meat and Milk Inspector for Missoula County, for the months of December, 1904, and January and February, 1905.

By Gray, H. B. No. 351. A Bill for an Act entitled "An Act requiring the head physician of the State Insane Asylum to make monthly reports to the District Judges, showing the condition of the inmates of said asylum."

By Allen, H. B. No. 352. A Bill for an Act entitled: "An Act providing for the submission to the electors of the State of Montana an amendment to Section 14 of Article XII of the Constitution of the State of Montana, relating to the care and management of public moneys in the hands of public officers, and providing for a State Depository Board to direct the depositing of state moneys in the possession of the State Treasurer."

By Allen, H. B. No. 353. A Bill for an Act entitled an Act to amend Section 446, Part 3, Title 1, of Article VII, of the Political Code of Montana, relating to the salary of State Treasurer.

By Allen, H. B. No. 354. A Bill for an Act entitled, An Act to prevent the removal or interference with the dead human bodies, when death has been caused, or there is reason to believe death has been caused by violence or other unnatural means, without first notifying the County Coroner or the Justice of the Peace acting as Coroner, and to provide a penalty for violation thereof.

By unanimous consent, Allen was permitted to introduce three bills this day.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 348, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 349, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 350, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 351, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 352, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 353, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 354, read first and second times by title only, and referred to Committee on Sanitary Affairs.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that H. B. No. 82 was this day read a third time and concurred in as amended in the Senate and is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 104 and 148 were this day read a third time and concurred in and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senators Donlan, Albright, Tooley, Haviland and Mc'arthy, have been named by the Senate as members of the Steering Committee.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 55, 62 and 77 were this day read a third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senators Edwards, McDonnell, Fairbanks and McLean have been added by the Senate to the Committee on Railroads and Transportation.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day given:

By Haviland, by request. A Bill for an act to authorize the creation and formation of assessment insurance companies, and to regulate associations known as, and commonly called, Rural Leagues, or Mutual Burial Societies or Associations.

By Everett. A bill for an Act providing that all bonds required by the laws of this State when issued by Surety Companies, shall be for the amount secured and not for double the amount as is now required.

By Donlan. A Bill for an Act entitled An Act to form a State water and light commission and the regulation of rates and service charges for water and light.

By Rae. A bill relating to the restriction of the use of the title of lawyer or its equivalent to persons regularly admitted to practice law before the Supreme Court of Montana.

By Edwards. A bill for an Act entitled An Act to regulate the practice of Optometry.

Respectfully,

H. K. HOWRY, Secretary.
Helena, Montana, Feb. 15, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced and read first and second times:

H. B. No. 74, by Tudor. Referred to Committee on Public Buildings.

H. B. No. 164, by Miller of Park. Referred to Committee on Judiciary.

H. B. No. 182, by Committee on Sanitary Affairs. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 232, by Judiciary Committee. Referred to Committee on Judiciary.

H. B. No. 249, by Weed. Referred to Committee on Corporations Other Than Municipal.

Substitute for H. Bs. Nos. 19 and 44, by Committee on Appropriations. Referred to Committee on Public Buildings.

H. B. No. 145, by Miller of Park, by request. Referred to Committee on Finance and Claims.

H. B. No. 167, by Duncan. Referred to Committee on Judiciary.

H. B. No. 234, by Judiciary Committee. Referred to Committee on Judiciary.

H. B. No. 217, by Ways and Means Committee. Referred to Committee on Finance and Claims.

H. B. No. 210, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 237, by Judiciary Committee. Referred to Committee on Judiciary.

H. B. No. 209, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 235, by Judiciary Committee. Referred to Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.

READING OF SENATE BILLS.

S. B. No. 77, read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 62, read first and second times by title only, and referred to Committee on Agriculture and Horticulture.

S. B. No. 55, read first and second times by title only, and referred to Committee on Agriculture and Horticulture.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Governor:

Executive Office, Helena, Montana, Feb. 18, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith, for your information, a copy of a telegram received from W. A. Beard, executive officer, Sacramento, California, relative to an interstate exposition of irrigated land products to be held in that city in September next.

J. K. TOOLE, Governor.

Telegram read and referred to Committee on Fairs and Expositions.

Executive Office, Helena, Montana, Feb. 18, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

The following House Bills have been approved and deposited with the Secretary of State:

No. 91. An Act appropriating money for the payment of deficiency claim of John J. Quinn for expenses incurred.

No. 92. An Act appropriating money for the payment of deficiency claims of certain persons for rewards.

No. 93. An Act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol building.

No. 94. An Act appropriating money for the payment of deficiency claims for expense of Attorney General.

No. 113. An Act appropriating money for the payment of deficiency claims of the Bureau of Child and Animal Protection for expenses incurred.

No. 49. An Act appropriating money for the purchasing and erecting in the main hall of the Capitol, a bronze tablet to the memory of Captain James Williams.

No. 67. An Act to appropriate money for the payment of the deficiency claim of Mitchell & Mussigbrod for the care of patients of the insane asylum for the year 1905.

No. 79. An Act to amend Sections 1990 and 3280 of the Political Code, relating to Arbor Day.

No. 84. An Act to amend Section 313 of the Political Code, relating to distribution of public reports.

No. 95. An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the State Board of Horticulture.

No. 12. An Act to repeal an Act entitled "An Act to provide for assistants for the office of Attorney General and fix the salaries thereof," approved March 9, 1901; and to provide for the appointment of two assistant attorneys general and a stenographer for the Attorneys General's office, and to fix the salaries thereof.

No. 73. An Act to provide for the filing of transcripts of judgments from the Circuit and District Courts of the United States, Ninth Circuit, District of Montana, with the District Court Clerk of any County in this State, and when so filed such judgment to become a lien upon all real property of the judgment debtor not exempt from execution in such county.

J. K. TOOLE, Governor.

REPORTS OF STANDING COMMITTEES.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 14, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 152, entitled "A Bill for an Act entitled An Act to amend Section 1783 of the Code of Civil Procedure of the State of Montana, relating to the fees paid Justices of the Peace," recommend that the same be indefinitely postponed.

Report adopted.

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 279, entitled "A Bill for an Act entitled 'An Act providing for a commission for the promotion of uniformity of legislation in the United States, and for the payment of the necessary expenses of the members of such commission,'" recommend that said bill do pass.

Report adopted.

Also:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 196, entitled "A Bill for an Act to define trust and declaring a trust to be unlawful, against public policy and void; to provide criminal penalties for and civil damages, defenses and punishment against persons, corporations, firms, associations or persons connected with them violating any of the provisions of this Act; and to promote free competition in commerce and all classes of business in this State," recommend that said bill do pass.

Report adopted.

Also:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 150, entitled "A Bill for an Act entitled an Act to amend Sections 4642 and 4643 of the Political Code of the State of Montana, relating to the fees allowed by the Board of County Commissioners to Justices of the Peace in criminal cases and providing for a fee for the serving of summons," recommend that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 292, entitled "A Bill for an Act entitled 'An Act regarding the assessment of property and collection of taxes, and proceedings before County Boards of Equalization, the duties of assessors in carrying out orders of the Board of Equalization, and providing for appeals to the District Court from the County Boards of Equalization and also to the Supreme Court from the District Court, and for the enforcement and carrying into effect of the orders or judgment of the Court,'" recommend that said bill do pass.

Report adopted.

Also:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 302, entitled "A Bill for an Act entitled 'An Act to amend Section 2097 of the Penal Code of the State of Montana, relating to trials in criminal cases,'" recommend that the said bill do pass.

Report adopted.

Also:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 257, entitled "A Bill for an Act entitled An Act for submitting to the qualified electors of the State of Montana, an amendment to Article XII of the Constitution of the State of Montana, relating to the revenue and taxation, and providing for an increase in the tax levy," report the said bill back to the House with the recommendation that it be printed and placed on General Orders.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill 230 has been correctly printed.

THIRD READING OF HOUSE BILLS.

House Bill No. 159, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Blake, Blewett, Brewster, Brownlee, Burke, Corby, Cummings Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Gray, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, McDonald, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Swindlehurst, Walker, Warren, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Barbour, Bennetts of Silver Bow, Boorman, Campbell, Cameron, Cato, Cluston, Fisher, Greene, Griffin, Harden, Longstaff, Miller of Park, Morris, Miles, McManus, O'Connor, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, and Weed.—23.

Title agreed to.

House Bill No. 174, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Blake, Blewett, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Tudor, Walker, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Boorman, Campbell, Cameron, Cato, Griffin, Longstaff, Miles, Mor-

ris, O'Connor, Thompson of Sanders, Thompson of Fergus, Towers, Weed, and Whiteside.—17.

Title agreed to.

House Bill No. 151, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith. Blake. Blewett, Boorman, Brewster, Brownlee, Burke, Corby, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Tudor, Wendel and Mr. Speaker.—45.

Noes.—Cluston, Kirwan, and Wilder.—3.

Absent and not voting.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Campbell, Cameron, Cato, Gerber, Griffin, Kroger, Leighton, Logan, Longstaff, Miles, Miller of Park, Morris, McDonald, O'Connor, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Whiteside, and Wilham.—25.

By unanimous consent the Journal was ordered made to show that Miller of Park and O'Connor were absent at the time of roll call on House Bill 151, and that if they had been present they would have voted "aye."

House Bill No. 236, having been read three several times was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Cutler, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Bennett of Madison, Bennetts of Silver Bow, Campbell, Cameron, Cato, Decker, Fisher, Griffin, Logan, Longstaff, Miles, Morgan, Morris, McDonald, O'Connor, Thompson of Sanders, Thompson of Fergus, Towers, Weed, Kirwan.—20.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 17, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 276, 228, 162, 125, and 181, have been correctly printed.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 81 and 157 correctly engrossed.

The following report by Gray, from the Committee on Engrossment, was omitted from Journal of the 15th inst.:—

February 15, 1907.

Mr. Speaker:

Your Committee on Engrossment beg leave to report Substitute for House Bill 23 as correctly engrossed.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 8, introduced by Miles, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1, by inserting in line 7, after the word "actually" the words "and necessarily."

Amend Section 1, lines 8 and 9, by striking out "Twenty-four hours" and inserting in lieu thereof "Forty-eight hours."

Also having had under consideration Senate Bill No. 27, introduced by Long, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 64, introduced by Martien, reports same back to the House with the recommendation that it be re-referred to Committee on Ways and Means.

Also having had under consideration Senate Bill No. 1, introduced by White, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by inserting in line 5, after the word "plant" the words "including architect's fees."

Also having had under consideration Senate Bill No. 15, introduced by Annin, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by striking out in line 6 the word "vehicle."

Report adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 188, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—Bennett of Madison.—1.

Absent and not voting.—Bennetts of Silver Bow, Campbell, Cameron, Cato, Cutler, Griffin, Logan, Longstaff, Miles, Morris, Patten, Potter, Thompson of Sanders, Thompson of Ferguson, Towers, Weed.—16.

Title agreed to.

House Bill No. 132, having been read three several times, was passed by

the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Bennetts of Silver Bow, Burke, Campbell, Cameron, Cato, Cutler, Griffin, Kroger, Miles, Morris, Potter, Seidler, Thompson of Sanders, Thompson of Fergus, Towers, Weed, Longstaff.—17.

Title agreed to.

House Bill No. 213, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Bennett of Madison, Bennetts of Silver Bow, Campbell, Cameron, Cato, Cutler, Fisher, Griffin, Longstaff, Miles, Morris, McManus, Seidler, Thompson of Sanders, Thompson of Fergus, Towers, and Weed.—17.

Title agreed to.

House Bill No. 34, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Morgan, McDonald, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Macaulay, Sherman, Tudor, Walker, Wendel, Whiteside, and Mr. Speaker.—48.

Noes.—Miller of Lewis and Clark, Miller of Park, Moore, O'Connor, Potter, Swindlehurst, Warren, Wilder, and Wilham.—9.

Absent and not voting.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Campbell, Cameron, Cato, Cutler, Griffin, Longstaff, Miles, Morris, McManus, Thompson of Sanders, Thompson of Fergus, Towers, and Weed.—16.

Title agreed to.

House Bill No. 123, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Blake, Blewett, Boorman, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller

of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Tudor, Walker, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Brewster, Campbell, Cameron, Cato, Cutler, Griffin, Longstaff, Miles, Morris, Thompson of Sanders, Thompson of Fergus, Towers, Weed, Whiteside.—17.

Title agreed to.

The House took a recess until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 18th day of February, 1907:

House Bill No. 102. "An Act appropriating money for the payment of the expenses of Dr. H. J. Ricketts, when investigating the cause and cure of spotted fever."

House Bill No. 165. "An Act to amend Article II, Chapter VI, Part III, Title III, of the Political Code, relating to the duties of County Superintendent of Schools, adding a Section to be known as Section 1745, regarding the school census, and providing penalties for the violation of the provisions thereof."

House Bill No. 126. An Act appropriating money for the payment of certain deficiency claims account of State Fish and Game Warden.

House Bill No. 173. "An Act appropriating money for the payment of deficiency claim in connection with the State Veterinarian's office for clerical hire."

House Bill No. 127. An Act making appropriations for the State Institutions of Montana for the three months ending February 28, 1907.

Also:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 18th day of February, 1907:

House Bill No. 154. "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and material furnished the State Veterinarian."

House Bill No. 133. "An Act providing for the payment of deficiency claims in certain state offices."

Mr. Speaker announced that he was about to sign House Bills Nos. 102, 165, 126, 173, 127, 154, and 133, and signed the same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 23, introduced by Macaulay, being a bill entitled: "A Bill for an Act entitled 'An Act to create a board of Police Commissioners in cities having more than twenty-five thousand inhabitants; defining the powers and duties of said commissioners and fixing their terms of office and compensations,'" beg leave to recommend that the bill be again placed on General Orders."

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 108, 199 and 219, 88, 68, and 149, have been correctly printed.

Also:

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 204, 176 and 253, have been correctly printed.

Walker from the Committee on Corporations other than Municipal, reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal, having had under consideration House Bill No. 227, A Bill for an Act entitled: "An Act to amend Section 411 of the Civil Code of Montana, relating to the making and filing of Articles of Incorporation of domestic corporations," report the same favorably.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Corporations other than Municipal, having had under consideration House Bill No. 256, A Bill for an Act to amend Section 1 of an Act entitled: "An Act to provide the conditions upon which foreign corporations may do business in this State and to repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana," approved March 9, 1901; and to add subdivision 7 to said Section 1, providing for the filing of alterations and amendments to the charter of foreign corporations, and for the filing of certificates of increase of capital stock or continuance of corporate existence, and for the payment of fees therefor, report the same favorably.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 293, entitled "A Bill for an Act entitled, 'An Act to amend Sections 8 and 12 of Chapter 51 of the Laws of 1905, relating to the practice of osteopathy contrary to law in the State of Montana, and providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of osteopathy,'" having had the same under consideration, respectfully report the said bill back with the recommendation that the same do pass.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 317 respectfully report the same back to the House with the recommendation that it do pass.

Report adopted.

The following Senate amendment to House Bill No. 129 was read:

Strike out in paragraph 1 of Section 1840 "Or the State University. provided that such has taken psychology and method required in University Teacher's course."

The above Senate amendment to House Bill No. 129 was not concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Brownlee, Cameron, Cummings, Decker, Duncan, Greene, Harden, Hyndman, Leighton, Manchester, Maxwell, Patten, Powers, Selway, Shaw, Sherman.—22.

Noes.—Blake, Burke, Campbell, Cluston, Cutler, English, Farmer, Fiacher, Gerber, Goff, Gray, Griffin, Harbordt, Kroger, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Potter, Root, Ross, Scallon, Seidler, Swindlehurst, Thompson of Sanders, Towers, Warren, Weed, Wendel, Whiteside, and Mr. Speaker.—37.

Absent and not voting.—Barbour, Boorman, Brewster, Cato, Corby, Hess, Kirwan, Longstaff, Miles, Thompson of Fergus, Tudor, Walker, Wilder, and Wilham.—14.

The Chief Clerk was instructed to notify Senate of vote, and to ask Senate to appoint a Conference Committee, and that the House will appoint such committee, to confer on said House Bill No. 129.

The following Senate amendments to House Bill No. 130, were read:

Be amended as follows:

In line 23 of the printed bill, after the word "hundred" insert "and fifty."

In line 24 of the printed bill, after "Attorney General" insert the word "five" in lieu of the word "four," and after the word "and" insert the word "ten" in lieu of the word "fifty."

In line 26 of the printed bill, after the words "three hundred" insert the words "and fifty".

In line 27 of the printed bill, after the words "attorney general," insert the word "three" in lieu of the word "one", and in line 28 after the word "and" insert the word "fifth" in lieu of the word "fifteen".

The above Senate amendments to House Bill No. 130 were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cummings, Cutler, Decker, Duncan, English, Farmer, Greene, Griffin, Hess, Hyndman, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Warren, Wendel, Wilder, and Mr. Speaker.—52.

Noes.—Cluston, Goff, Harbordt, Kroger, McManus, and Whiteside.—6

Absent and not voting.—Barbour, Cato, Fischer, Gerber, Gray, Harden, Kirwan, Longstaff, Miles, McDonald, Selway, Thompson of Fergus, Walker, Weed, and Wilham.—15

Mr. Speaker announced that he was about to sign Senate Bills Nos. 13, 7, 17, 28 and 30, and signed the same in the presence of the House.

The following Senate amendments to House Bill No. 172, were read:

Line 14 of the Printed Bill be stricken out.

That the words "Four thousand, five hundred and sixty-five dollars and thirty cents" in lines 1 and 2 of the printed bill be stricken out, and the words "Two thousand, eight hundred fifteen dollars and thirty-seven cents" be inserted in lieu thereof.

The above Senate amendments to House Bill No. 172, were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Weed, Wendel, Whiteside, Wilder and Wilham.—60.

Noes.—Cameron, O'Connor, Tudor and Mr. Speaker.—4

Absent and not voting.—Barbour, Cato, Harden, Kroger, Longstaff, Miles, Selway, Thompson of Fergus and Walker.—9.

On motion by Miller of Park, House Bill No. 37 was made a special order of business for Friday at 3 o'clock.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

"Executive Office, Helena Montana.

February 18, 1907.

"To the Speaker of the House of Representatives,

Helena, Montana.

I have the honor to enclose herewith claims of R. S. Ford against the State of Montana for two thousand four hundred and six dollars (\$2,406) for alleged bounties, which claims were submitted to the State Board of Examiners and by it disallowed for the reason that, from the evidence taken before said Board, they appear to be forged or fraudulent.

The claimant has filed an appeal from said Board to the Legislative Assembly, and all papers in connection therewith are transmitted for such action as your Honorable body may deem proper.

J. K. TOOLE, Governor.

Claims referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

McManus, from the Committee on Mines and Mining, reported as follows:
Mr. Speaker:

We, your Committee on Mines and Mining, submit for substitute for House Bill No. 21, introduced by the Committee on Mines and Mining,

entitled: "A Bill for an Act to amend Sections 580 and 581, Part 3, Chapter 3, Title 1 of the Political Code of the State of Montana, providing for the election of quartz mine inspector, and recommend that same do pass.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Feb. 18, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 212, 244, and 221 have been correctly printed.

Also:

Feb. 18, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 128, and 140 have been correctly printed, with the exception of a few typographical errors of insufficient gravity to necessitate reprinting".

McManus, from the Committee on Mines and Mining, reported as follows:

Mr. Speaker:

We, your Committee on Mines and Mining, having had under consideration House Bill No. 260, introduced by Miller of Park, entitled: "A Bill for an Act to repeal Article 15, Chapter 3, Part 3, Title 1 of Sections 580 to 590 inclusive of the Political Code of the State of Montana and providing for the qualifications and appointment, salary and expenses of the State Inspector of Mines and for the appointment and salary and expenses of the Deputy Mine Inspector, providing the inspection fees for the inspection of mines and for the payment and collecting of same and providing the duties of the State Inspector of mines", refer the same back and recommend that it be referred to the Committee on Ways and Means.

Report adopted.

Blake, from the Committee on Privileges and Elections, reported as follows:

Mr. Speaker:

Your Committee on Privileges and Elections to which was referred House Bill No. 308, entitled, "A Bill for an Act entitled An Act providing for the Initiative and Referendum in cities and towns", having had the same under consideration, respectfully reports it back with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Privileges and Elections, to which was referred House Bill No. 306, entitled "A Bill for an Act entitled An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and compensation thereof and providing rules and regulations for the use of voting machines in all counties, cities towns and districts of the State of Montana", having had the same under consideration, respectfully reports it back with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Privileges and Elections, to which was referred Senate Joint Resolution No. 1, entitled, "A Resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people", having had the same under consideration, respectfully reports the same back with the recommendation that it be concurred in.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:

Feb. 18, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 37, beg leave to report the same back, amended as follows:

By striking out after the word "course" in line five, the following: "from the first day of August to the first day of November", and inserting in line three after the word "Montana", the following: "except in the Missouri River below Three Forks and the Yellowstone River below its confluence with the Big Horn River", and by inserting in line seven after the word "lake", the following: "except during the months of December, January, February, March and April;". Insert after the word "at" in line four, Section one, the words "or near as practicable to."

Insert in line one, page two, Section one, after the word "at" the words "or as near as practicable to".

Strike out all after the word "closely" in line eleven, page two, Section one. Also strike out all of lines 12, 13 and 14, page 2, and by making Section 5 read as follows: "This act shall be in full force and effect from and after May first, 1908." And recommend that the bill so amended do pass.

Report adopted.

NOTICES OF BILLS.

By Maxwell: A Bill for an Act entitled "An Act appropriating money for the reimbursement of organized Water Users' Associations for fees paid the Secretary of State on filing Articles of Incorporation prior to the passage and approval of an Act entitled "An Act providing that Water Users' Associations organized in conformity with the requirements of the laws of the United States and of the State of Montana, for the furnishing of water only to its shareholders, shall be exempt from incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such Articles and issuing certificate of Incorporation".

By Maxwell: A Bill for an Act to amend Section 448 of the Civil Code of the State of Montana as amended by an Act entitled "An Act to amend Section 448 of the Civil Code of the State of Montana, relating to the meetings of Stockholders and board of directors of corporations", approved February 24th, 1899, relating to the meetings of stockholders and board of directors of corporations.

By Brownlee: A Bill abolishing the office of Fish and Game Warden, and providing that the enforcement of the Fish and Game laws shall devolve upon the Sheriffs and deputies; also repealing the fishing and hunting license

law, and transferring the money in the Fish and Game fund to the general fund.

By Warren: A Bill for an Act entitled An Act regulating the hours of engineers and firemen in all State Institutions.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Shaw, H. B. No. 355. A Bill for an Act requiring County Treasurers to prepare and file with County Clerk a report of all license tax collected, the auditor to verify same report, and the County Clerk to publish the same.

By Shaw, H. B. No. 356. A Bill for an Act to amend Section 448, Article VII, Chapter III, Part III, of the Political Code of the State of Montana, relating to the duty of the State Treasurer to make quarterly reports to the Governor.

By Campbell, H. B. No. 357. A Bill for an Act entitled "An Act to authorize and empower cities of the first class to provide and maintain a hospital for the care of emergent cases and to provide for the support and maintenance of such hospital."

By Campbell, H. B. No. 358. A Bill for an Act entitled, "An Act to amend Section 3960, Chapter 10, Title 10, Part 3, of the Political Code of the State of Montana, relating to poll tax."

READING OF HOUSE BILLS.

H. B. No. 355, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 356, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 357, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 358, read first and second times by title only, and referred to Committee on Townships and Counties.

Motion by Shaw, that vote placing House Bill No. 37 on special order for Friday, be reconsidered. Motion carried.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Weed in the chair.

House resumed.

Mr. Speaker in the chair.

Weed, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 37, introduced by Macaulay, reports same back to the House with the recommendation that it be referred to the Committee on Irrigation.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Senate:

Feb. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Concurrent Resolution No. 5, relating to S. B. No. 32, has been this

day adopted by the Senate and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

SENATE CONCURRENT RESOLUTION No. 5, introduced by McCone:

Be it Resolved by the Senate, the House concurring, that His Excellency, the Governor, be, and he is hereby requested to return to the Senate, Senate Bill No. 32, being an Act repealing the primary election law, for the purpose of enabling the Senate to correct an error in the enrollment of said bill.

On motion by Bennett the rules were suspended, and Senate Joint Memorial No. 5 was placed on its final passage.

Senate Joint Memorial No. 5 was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fisher, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—64.

Noes.—None.

Absent and not voting.—Barbour, Brewster, Cato, Longstaff, Miles, Thompson of Fergus, Tudor, Walker, and Wilder.—9.

THIRD READING OF HOUSE BILLS.

House Bill No. 197, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—60.

Noes.—None.

Absent and not voting.—Barbour, Brewster, Cato, Farmer, Greene, Longstaff, Maxwell, Miles, O'Connor, Thompson of Fergus, Walker, Warren, Whiteside.—13.

Title agreed to.

House Bill No. 200, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Gerber, Greene, Gray, Griffin, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst,

Thompson of Sanders, Towers, Tudor, Warren, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—55.

Noes.—Goff, McManus, Patten, Potter and Wilder.—5.

Absent and not voting.—Barbour, Brewster, Cato, Corby, Harbordt, Longstaff, Miles, Morgan, Macaulay, O'Connor, Scallon, Thompson of Fergus, Walker.—13.

Title agreed to.

House Bill No. 9, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cummings, Cutler, Decker, English, Gerber, Goff, Greene, Harden, Hess, Kirwan, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Park, Morgan, McDonald, Patten, Ross, Scallon, Seidler, Selway, Shaw, Thompson of Sanders, Tudor, Wendel, Whiteside and Mr. Speaker.—39.

Noes.—Beckwith, Bennett of Madison, Cluston, Farmer, Fischer, Gray, Harbordt, Hyndman, Kroger, Miller of Lewis and Clark, Moore, Morris, McManus, Potter, Powers, Sherman, Swindlehurst, Towers, Warren, Weed, Wilder, Wilham, and Duncan.—23.

Absent and not voting.—Barbour, Brewster, Cato, Griffin, Longstaff, Miles, Macaulay, O'Connor, Root, Thompson of Fergus, and Walker.—11.

Title agreed to.

House Bill No. 120, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Towers, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—Farmer, Miller of Lewis and Clark, Morris, McDonald, Shaw, Warren, Weed.—7.

Absent and not voting.—Barbour, Brewster, Cato, Longstaff, Miles, O'Connor, Thompson of Fergus, Walker, Tudor, and Wendel.—10.

Title agreed to.

House Bill No. 116, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Swindlehurst, Thompson of Sanders, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker.—55.

Noes.—Boorman and Towers.—2.

Absent and not voting.—Barbour, Brewster, Cato, Farmer, Fischer, Griffin, Logan, Longstaff, Maxwell, Miles, Macaulay, O'Connor, Sherman, Thompson of Fergus, Tudor and Walker.—16.

Title agreed to.

House Bill No. 78, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—58.

Noes.—Farmer, Kirwan and Wilder.—3.

Absent and not voting.—Barbour, Cato, Kroger, Leighton, Logan, Longstaff, Miles, O'Connor, Shaw, Thompson of Fergus, Tudor and Walker.—12.

Title agreed to.

House Bill No. 178, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Thompson of Sanders, Towers, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker.—56.

Noes.—Beckwith and Griffin.—2.

Absent and not voting.—Barbour, Brewster, Cato, Farmer, Greene, Logan, Longstaff, Miles, McManus, O'Connor, Shaw, Swindlehurst, Thompson of Fergus, Tudor, Walker.—15.

Title agreed to.

House Bill No. 115, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Brewster, Cato, Farmer, Kirwan, Logan, Miles, McManus, Macaulay, O'Connor, Shaw, Thompson of Fergus, Tudor, Walker, Weed, and Whiteside.—17.

Title agreed to.

House Bill No. 122, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Park, Morgan, Morris, McDonald, Potter, Powers, Root, Ross, Scallon, Selway, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Wendel, Wilder, Wilham and Mr. Speaker.—49.

Noes.—Cameron, Harden, Patten.—3.

Absent and not voting.—Barbour, Bennett of Madison, Brewster, Cato, Farmer, Harbordt, Logan, Longstaff, Miles, Miller of Lewis and Clark, Moore, McManus, Macaulay, O'Connor, Seidler, Shaw, Thompson of Fergus, Tudor, Walker, Weed, Whiteside.—21.

Title agreed to.

House Bill No. 43, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Griffin, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, Patten, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Wendel, Whiteside, Wilham and Mr. Speaker.—49.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Brewster, Brownlee, Burke, Cato, Farmer, Gray, Harbordt, Logan, Longstaff, Miles, Moore, McManus, Macaulay, O'Connor, Potter, Powers, Shaw, Thompson of Fergus, Tudor, Walker, Weed and Wilder.—24.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 246, H. J. M. 4, 131, 320, 272, and 277, have been correctly printed.

COMMUNICATIONS AND PETITIONS.

Two petitions, relative to Griffin's anti-gambling bill, were read and referred to proper committees.

NOTICES OF BILLS.

By Potter. A Bill for an Act entitled An Act to repeal an Act entitled An Act to amend Sections 3070, 3071, 3072, and 3076, of the Political Code of Montana, as amended by an Act approved March 6th, 1903, relating to the bounties for the killing of certain wild animals, approved March 1st, 1905.

By Decker. A Bill for an Act authorizing and empowering the Carey Land Act Board to secure cancellation of bonds issued for the reclamation of arid lands under the Carey Congressional Act, and accept bonds in payment for canals, water rights, lands and appurtenances and execute deeds

therefor, and to comprise claims and make contracts for the reclamation and settlement of said arid lands.

REPORT OF STANDING COMMITTEE.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 18, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 301, 322, 258, 259, 323, 321, H. J. M. 1. have been correctly printed.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 38, introduced by Miles, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

That Section 2 of said Bill be stricken out, and that Section three thereof be numbered Section 2.

Also having had under consideration Senate Bill No. 44, introduced by White, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 14, introduced by Martien, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by adding after the word "years" in line 8, the words "In the First District there must be two Judges".

Amend the said bill by adding at the end of Section 1. the words "and in the Fourth Judicial District there must be two Judges, one of whom shall keep his chambers at the town of Hamilton".

Also having had under consideration Senate Bill No. 24, introduced by Rae, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 25, introduced by White, reports same back to the House with the recommendation that it be referred to Judiciary Committee.

Also having had under consideration Senate Bill No. 20, introduced by White, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 21, introduced by Donlan, reports same back to the house with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by striking out in line 11 the word "and"; in line 12 the word "said"; and in line 13 the words "clerk shall".

Report adopted.

On motion of Blake, the House adjourned at 5:30 P. M.

NATHAN GODFREY, Chief Clerk.

E. W. KING, Speaker.

FORTY-FOURTH DAY

Tuesday, February 19, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, Cummings, English, Maxwell, and Walker. Walker excused.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Monday, February 18, and believe same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

A petition from certain citizens of Helena, with regard to anti-gambling law, was read and referred to Committee on Ways and Means.

NOTICES OF BILLS.

By Weed. A Bill for an Act providing for the custody by relatives or the detention in the State Asylum for the Insane or the State Penitentiary of persons who are criminally insane when acquitted upon trial by jury on the ground of insanity.

By Marshall. A Bill for an Act to authorize the Secretary of State to purchase five hundred (500) copies of the Codes of Montana, in force July 1st, 1895, and making an appropriation therefor.

By Logan. A Bill for an Act regulating the seasons for the killing of deer.

REPORTS OF STANDING COMMITTEES.

Scallon from the Committee on Judiciary, reported as follows:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 288, entitled "A Bill for an Act providing for a civil action on the part of the State for the abatement of public nuisances", recommend that Section 1 be amended so as to read as follows:

"Section 1. The county attorney of any county of this State in which a public nuisance may now, or may hereafter exist, may, and when directed by the Board of County Commissioners, or by the state or county board of health, shall bring a civil suit in the name of the State of Montana, to abate such nuisance."

That when so amended said bill do pass.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House

Bill No. 335, entitled "A Bill for an Act entitled 'An Act to amend Section 1763 of Chapter II, Title XIII, Part II, of the Code of Civil Procedure of the State of Montana, relating to appeals to District Courts', recommend that said bill be amended as follows:

Amend Section 1 of said bill by inserting in line 7 on the second page thereof after the word "costs" the following words, to-wit: "appealed from, or of the value of the property, including all costs".

That when so amended said bill do pass.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 46, entitled "A Bill for an Act prescribing the manner in which directors, trustees and other officers of a corporation may resign", recommend that said bill be amended as follows:

Strike out in lines 11, 12, 13 and 14 the following words: "upon the filing of such resignation in the office of the county clerk and recorder, the same shall become effectual; that there shall be published for thirty days in the State and" and insert in lieu thereof the following: "And by publishing in two consecutive issues of the official paper of the county".

Also by inserting in line 16 after the word "shall" the following words: "upon such filing and publication".

Also by striking out the following words from line 18, to-wit: "also resign in the manner prescribed by the by-laws of the corporation", and in lieu thereof insert: "shall also comply with the by-laws of the corporation relating to resignations of directors or officers. This act shall apply to resident directors of foreign corporations having a place or places of business in this state, as well as directors and other officers of domestic corporations"

Also amend Section 3 by striking out the words "from and after its passage and approval." and insert in lieu thereof the words "on and after the first day of June, 1907."

That when so amended said bill be concurred in.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 255 entitled "A Bill for an Act to amend Section 353 of the Penal Code of the State of Montana, relating to verdict of juries in murder trials," recommend that Section 1 of the said bill be amended so as to read as follows:

"Section 1. That Section 353 of the Penal Code of the State of Montana. be amended so to read as follows:

Section 353. Every person guilty of murder in the first degree shall suffer death, or shall, in the discretion of the jury, or of the court, if the punishment be left to the court, be imprisoned in the state prison for the term of his natural life; and every person guilty of murder in the second

degree is punishable by imprisonment in the state prison not less than ten years."

As thus amended, said bill be printed and placed on general orders.

Report adopted.

Also:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 286, entitled "A Bill for an Act authorizing Board of County Commissioners in counties of the first class to establish and maintain a law library, and to provide for its care and maintenance," recommend that said bill do pass.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 303, entitled "A Bill for an Act entitled An Act to amend Sections 4642 and 4643 of the Political Code of the State of Montana, relating to the fees allowed by the Board of County Commissioners to Justices of the Peace and Constables in criminal cases and providing for a fee for the serving of summonses," recommend that said bill be amended by striking from lines 4 and 5 of page 2 the words "two dollars and fifty cents," and inserting in lieu thereof the words "five dollars."

That as thus amended the said bill do pass.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 262, entitled "A Bill for an Act entitled "An Act to provide for the appointment of Commissioners to compile and arrange the codes and statutes of Montana, and to prescribe their duties and powers, and to provide for their compensation", recommend that said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 263, entitled "A Bill for an Act entitled an Act to amend Section 4786 of the Political Code, relating to the duties of city attorneys", recommend that said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 211, entitled "A Bill for an Act making towns and cities liable for

all damages to persons, teams or vehicles passing over grade crossings of railroad tracks on generally travelled streets when the town or city council has not required the railroad company to keep a watchman at such crossings to warn persons of danger," recommend that said bill be indefinitely postponed.

Miller of Lewis of Lewis and Clark moved that House Bill No. 211 be printed and placed on General Orders. Motion carried.

House Bill No. 211 referred to Printing Committee.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Concurrent Resolution No. 3, report same back to the House and respectfully recommend that the same be referred to the Committee on Rules, with the suggestion that they report a rule limiting the introduction of bills.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary having had under consideration House Bill No. 203, entitled "A Bill for an Act providing for the payment of lost certificates of deposit and other evidence of death or liability, where the persons to whom the same were issued have died intestate and without any known heirs or next of kin", recommend that the same be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 328, entitled "A Bill for an Act relating to the valuation of the property of railroads, for all purposes of rate regulation, by the board of railroad commissioners, or the courts, and providing rules of evidence relating to the same", recommend that said bill do pass.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary having had under consideration House Bill No. 332, entitled "A Bill for an Act to amend Sections 1 and 3 of the Act of the Seventh Legislative Assembly entitled 'An Act relative to the powers and duties of Justices of the Peace and fixing their compensation in certain townships", recommend that said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House

Bill No. 314, entitled "A Bill for an Act to amend Section 875 of the Political Code as amended by Senate Bill No. 75, of the laws of 1897, relating to the salary of the Clerk of the Supreme Court and to increase the salary of the Superintendent of Public Instruction", recommend that the title of said bill be amended so as to read as follows:

"A Bill for an Act to amend Section 878 of the Political Code, as amended by Senate Bill No. 75 of the Laws of 1897, so as to increase the salary of the Clerk of the Supreme Court, and to amend Section 1716 of the Political Code, so as to increase the salary of the Superintendent of Public Instruction." recommend that the title of said bill be amended so as to read as follows:

"A Bill for an Act to amend Section 878 of the Political Code, as amended by Senate Bill No. 75 of the Laws of 1897, so as to increase the salary of the Clerk of the Supreme Court, and to amend Section 1716 of the Political Code, so as to increase the salary of the Superintendent of Public Instruction."

Also recommend that Section 2 of said bill be amended as follows: Strike out all of said section and in lieu thereof insert: "That Section 1716 of the Political Code be amended so as to read as follows:

Section 1716. The annual salary of the Superintendent of Public Instruction, for all services now required of him, or which may hereafter be devolved upon him by law, is three thousand dollars. He shall also be paid his traveling expenses, actually and necessarily incurred in the discharge of his duties, not to exceed five hundred dollars in any one year.

And that as so amended the bill be printed and placed on general orders.
Report adopted.

Decker, from the Committee on Irrigation, reported as follows:

Helena, Montana, February 19, 1907.

Mr. Speaker:

We, your on Irrigation, having had under consideration House Bill No. 329, entitled, "A Bill for an Act entitled, An Act to regulate the appropriation of water in streams in which the rights therein have been adjudicated," reports same back and recommend that the same do pass.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 101, A Bill for an Act to establish a geological survey of Montana, and to make appropriations therefor, having had same under consideration, recommend that it be passed with the following amendments:

Amend by striking from Section 111, beginning with the word "shall" in line 5, and ending with the word "but" in line 9; also amend by striking from said Section, beginning with the word "beyond" in line 10 and ending with the word "appropriation" in line 11.

Amend by striking out from Section V, line 5 beginning with the word "provided," and ending with the word "year" in line 6.

Also amend by striking out the words "into the state treasury" in lines

9 and 10 of said Section V, and inserting in lieu thereof the words: "to said Board and credited to the geological survey of Montana, and expended by them from time to time in carrying out the provisions and purposes of this Act."

Also amend by inserting the words "one hundred" between the words "that" and "copies" in line 10 in said Section V.

Amend by striking out all of Section VI, the succeeding sections to be numbered accordingly.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 194, A Bill for an Act entitled: "An Act appropriating money for the restoration and maintenance of Old Fort Benton, and providing for the appointment of a Board of Trustees for the management thereof," having had same under consideration, recommend that it be passed with the following amendment: That the words "Eight Hundred," Section 1, line 1, be changed to read "Two Hundred."

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 114, A Bill for an Act entitled: "An Act to appropriate money for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the appointment of a commission to assist in the erection of such monument," have had same under consideration and recommend that it be passed with the following amendments:

Amend Section 1 by striking out clause beginning with the words "to that end" and including "committee," insert the following: "To that end the Governor of the State of Montana, the President, Secretary and Treasurer of the 'Wilbur F. Sanders Memorial Association,' the President of the Society of 'Montana Pioneers,' the Commander of the Grand Army of the Republic, Department of Montana and the President of the Montana Bar Association shall constitute a commission to be known as the Sanders' Memorial Commission, for the purpose."

Amend Section 3 to read as follows: "The State Auditor of the State of Montana is hereby authorized, empowered and directed to draw his warrants from time to time upon the presentation of vouchers signed by the President and Secretary of the Sanders' Memorial Association for such sums as may be needed not exceeding in the aggregate, Ten Thousand Dollars, for the purpose of carrying out the provisions of this Act."

Report adopted.

Bennett, Marshall, Swindlehurst and Allen, from the Committee on Rules, reported as follows:

Mr. Speaker:

Your Committee on Rules, beg to report the following rule and recommend that it be adopted, viz:

On and after the 45th day of the Session, no bill shall be introduced in this House except bills providing for the general expenses of the State government, unless leave shall have first been obtained by motion duly made and seconded therefor, which motion must be supported by at least two-thirds of the members present and voting.

Report adopted.

Cameron, from the Committee on State Boards and Officers, reported as follows:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred House Bill No. 338, entitled, A Bill for an Act entitled, "An Act regulating the payment of expenses of state and county officers; defining offenses in relation thereto, and prescribing punishment for such offenses," report back with the recommendation that the same do pass.

Report adopted.

Also:

Helena, Montana, February 19, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred House Bill No. 307, entitled, "A Bill for an Act entitled, 'An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, for the installation of a power plant in connection with the State Capitol Building for the generation of electricity to supply the State Capitol Building,'" report same back with the recommendation that it be re-referred to the Appropriations Committee.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Feb. 19, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 10, introduced by Blake, being a Bill for an Act entitled An Act to amend Sections 443 and 449 of the Political Code of Montana, and to provide further regulations for the safe keeping and management of public funds in the hands of the State Treasurer, and to increase his official bond and provide for the payment of the premium thereon, beg leave to report that said bill be indefinitely postponed, and the following bill known as Substitute for House Bill No. 10, be substituted for same:

"Substitute for House Bill No. 10. A Bill for an Act entitled, An Act to amend Sections 443 and 449 of the Political Code of Montana, and to provide further regulations for the safe keeping and management of public funds in the hands of the State Treasurer, and to increase his official bond and provide for the payment of the premium thereon."

We recommend to the House that the above Substitute do pass.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 11, introduced by Blake, being a Bill for an Act entitled, An Act to amend Section 4367 of the Political Code of Montana as amended by Chapter 5 of the Laws of 1905, and Section 4788 of the same Code, relating to the deposit and control of public moneys in the possession of the county and city treasurers and to provide for the payment of interest on such deposits of public money and for furnishing of official bonds by such officers signed by surety companies, and for the payment of premiums thereon, recommend that the same be indefinitely postponed and the following substitute known as "Substitute for House Bill No. 11," be adopted in lieu thereof:

Substitute for House Bill No. 11. A Bill for an Act entitled, An Act to amend Section 4367 of the Political Code of Montana, as amended by Chapter 5, of the Laws of 1905, and Section 4738 of the same Code, relating to the deposit and control of public moneys in the possession of county and city treasurers, and to provide for the payment of interest on such deposits of public money and for furnishing of official bonds by such officers signed by surety companies and for payment of premiums thereon.

We recommend to the House that the above substitute do pass.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 353, introduced by Allen, being a Bill for an Act entitled, An Act to amend Section 446, Part 3, Title 1, of Article VII, of the Political Code of Montana, relating to the salary of the State Treasurer, beg leave to report the same back with the recommendation that it do pass.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 352, introduced by Allen, being a Bill for an Act entitled, An Act providing for the submission to the electors of the State of Montana an amendment to Section 14 of Article XII, of the Constitution of the State of Montana, relating to the care and management of public moneys in the hands of the public officers, and providing for a State Depository Board to direct the depositing of state money in the possession of the State Treasurer, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration

House Bill No. 349, introduced by Miller, being a Bill for an Act entitled, An Act to regulate the licensing of itinerant vendors, and to fix the amount of such licenses, beg leave to report the same back with the following amendment: That Section 3, line 7, be amended by striking out the words "twelve dollars and fifty cents (\$12.50)" and inserting in lieu thereof the words "Five Dollars (\$5.00)."

With the above amendment we recommend that the bill do pass.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 18, introduced by Blake, being a Bill for an Act entitled, An Act to amend Section 770 of the Penal Code of the State of Montana, relating to the safe keeping and disposition of public moneys, beg leave to report the same back with the following amendment: That Section 1, paragraph 3, line 3, the word "so" be stricken out and the words "which compels him" be inserted in lieu thereof. With the above amendment we recommend that the bill do pass.

Report adopted.

NOTICES OF BILLS.

By Allen. A Bill for an Act entitled, An Act to create the County of Daly, designate its boundaries, and provide for its organization and government.

By Gray. A Bill for an Act to provide for the distribution among the various counties, entitled thereto, of the fund derived from Forest Reserves.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Scallon, H. B. No. 359. A Bill for an Act to amend Section 410 of the Civil Code, relating to the purchase of property and the issuance of stock of corporations in payment of property purchased.

By Warren, by request, H. B. No. 360. A Bill for an Act entitled, "An Act regulating the hours of labor in State Institutions."

By Shaw, by request, H. B. No. 361. A Bill for an Act entitled An Act for levy of a special tax on fruit trees, and how it shall be collected and disbursed, and to be known as the "Horticultural Fund."

By Shaw, by request, H. B. No. 362. A Bill for an Act entitled "An Act to amend Section 9 of an Act entitled "An Act to create the Montana State Board of Horticulture, to prescribe its duties and powers and to appropriate the money therefor," approved February 17th, 1899; and as amended by the Act of March 14th, 1901; and as amended by the Act of March 6th, 1903; and as amended by the Act of March 3rd, 1903.

By Barbour, by request, H. B. No. 363. A Bill for an Act entitled An Act to amend Section 1, Subdivision 2, of Section 2, Subdivisions 4 and 6, of Section 15, of an Act entitled An Act to create the office of Meat and Milk Inspector for the State of Montana and prescribing their powers and duties and compensation therefor, and repealing all Acts and parts of Acts in conflict therewith.

By Committee on Appropriations, H. B. No. 364. A Bill for "An Act to pay employes of the Senate and House, as provided in Section 209, Part 3, Title I, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title I, Chapter 2, Article 5, of the Political Code of the State of Montana."

By Decker, H. B. No. 365. A Bill for an Act authorizing and empowering the Carey Land Act Board to secure cancellation of bonds issued for the reclamation of arid lands, under the Carey Congressional Act, and accept bonds in payment for canals, water rights, lands and appurtenances, and execute deeds therefor, and to compromise claims, and make contracts for the reclamation and settlement of said arid lands.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 359, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 360, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 361, read first and second times by title only, and referred to Committee on Agriculture and Horticulture.

H. B. No. 362, read first and second times by title only, and referred to Committee on Agriculture and Horticulture.

H. B. No. 363, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 364, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 365, read first and second times by title only, and referred to Committee on State Lands.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 364. A Bill for an Act entitled: "An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title 1, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana," having had same under consideration, recommend that it be passed.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 305, 385 and 271 have been correctly printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Shaw, Tudor and Weed. H. B. No. 366. A Bill for an Act entitled. "An Act to create and establish a Board of Railroad Commissioners for the State of Montana, providing for the appointment and election of the mem-

bers thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof."

By Maxwell, by request, H. B. No. 367. A Bill for an Act to amend Section 448 of the Civil Code of the State of Montana as amended by an Act entitled "An Act to amend Section 448 of the Civil Code of the State of Montana relating to the meetings of Stockholders and Board of Directors of Corporations," approved February 24th, 1899, relating to the meetings of stockholders and Board of Directors of Corporations.

By Maxwell, by request, H. B. No. 368. A Bill for an Act entitled "An Act appropriating money for the reimbursement of organized water users' associations for fees paid the Secretary of State on filing articles of incorporation and issuance of certificate of incorporation prior to the passage and approval of an Act entitled "An Act providing that water users associations organized in conformity with the requirements of the laws of the United States and the State of Montana for the furnishing of water only to its shareholders, shall be exempt from incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such articles and issuing certificate of incorporation."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 366, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 367, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 368, read first and second times by title only, and referred to Committee on Irrigation.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Resolution was this day introduced:

By Edwards: S. J. R. No. 4. A Resolution providing for appointment by the Governor of a Commission of Three, to investigate "Library Extension Work" and to report to the Eleventh Legislative Assembly. Read first and second time and referred to Committee on Libraries.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were introduced and read first and second times:

S. B. No. 100, by Rae. A Bill for an Act to prohibit persons, not legally admitted to practice law in the courts of the State of Montana, from holding themselves out to be lawyers, or in any manner whatsoever using the title of "Lawyer," "Attorney," "Conveyancer" or the equivalent thereof, and fixing a penalty for the infraction thereof. Referred to Judiciary Committee.

S. B. No. 101, by Tooley. A Bill for an Act to amend Section 864 of the Civil Code, relating to corporations. Referred to Committee on Corporations other than Municipal.

S. B. No. 102, by Haviland. A Bill for an Act entitled An Act to provide a silver service for the Federal Battleship "Montana" and to appropriate money to purchase the same. Referred to Committee on Finance and Claims.

S. B. No. 103, by Muffley. A Bill for an Act to abolish the offices of State Game and Fish Warden and Deputy Game and Fish Wardens and to impose the duties of such officers upon the sheriff and their deputies in the several counties of this State. Indefinitely postponed.

S. B. No. 104, by Miles. A Bill for an Act entitled "An Act to amend Sections 3, 4, 5, 6, 8 and 9 of Chapter 57, of the Session Laws of 1905, filed March 2nd, 1905, and becoming a law without the approval of the Governor, and relating to the licensing of resident and non-resident sportsmen, and the duties of the State Game and Fish Warden. Referred to Committee on Fish and Game.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day given:

By Harper. A Bill for an Act to create a non-resident fishing license; to provide for residents to secure fishing and hunting license by application; providing for the State Auditor to furnish license blanks; fixing compensation on license sales; creating additional game and fish districts, and providing deputies for the same; permitting forestry officers of the United States to secure a resident's license and reducing the cost of guide licenses.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that S. C. R. No. 6, asking our Senators and Representatives in Congress to urge proper recognition by Congress of the necessity of appropriations for the Missouri, Yellowstone and Flathead Rivers, to make them navigable, was introduced, adopted, and ordered engrossed.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 18, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced and by unanimous consent read first and second times by title only:

Sub. for H. B. No. 45, as amended by Whiteside. Referred to Committee on Judiciary.

Sub. for H. B. No. 23. Referred to Committee on Judiciary.

H. B. No. 188, by Miller of Park, by request. Referred to Committee on Education.

H. B. No. 123, by Weed. Referred to Committee on Judiciary.

H. B. No. 213, by Weed. Referred to Committee on Judiciary.

H. B. No. 34, by Manchester. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 132, by Weed. Referred to Committee on Judiciary.

H. B. No. 159, by Marshall. Referred to Committee on Judiciary.

H. B. No. 174, by Marshall. Referred to Committee on Finance and Claims.

H. B. No. 236, by Judiciary Committee. Referred to Committee on Judiciary.

H. B. No. 151, by Scallon. Referred to Committee on Public Morals.

Respectfully,

H. K. HOWRY, Secretary.

REPORT OF STANDING COMMITTEE.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 250, 266 and 177 have been correctly printed.

THIRD READING OF HOUSE BILLS.

House Bill No. 81, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Bennetts of Silver Bow, Blewett, Brownlee, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Gray, Harbordt, Harden, Hyndman, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, Patten, Potter, Root, Scallon, Selway, Shaw, Swindlehurst, Thompson of Fergus, Tudor, Warren, Wendel, Whiteside, Wilder and Mr. Speaker.—39.

Noes.—Allen, Beckwith, Blake, Burke, Leighton, Morris, McManus, Seidler, and Sherman.—9.

Absent and not voting.—Bennett of Madison, Boorman, Brewster, Campbell, Cato, Corby, English, Fischer, Griffin, Hess, Kirwan, Kroger, Logan, Longstaff, Maxwell, Macaulay, O'Connor, Powers, Ross, Thompson of Sanders, Towers, Walker, Weed, Wilham and Greene.—25.

Title agreed to.

On motion of Shaw, House Bill No. 157 was withdrawn from third reading and placed on General Orders.

Senate Bill No. 1, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson

of Sanders, Thompson of Fergus, Tudor, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Brewster, Cato, Corby, Cutler, Duncan, English, Hess, Kirwan, Longstaff, O'Connor, Towers, Walker, Warren, and Whiteside.—14.

Title agreed to.

Senate Bill No. 15, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Leighton, Logan, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Brewster, Cato, Corby, Cutler, Duncan, English, Hess, Kirwan, Kroger, Longstaff, Maxwell, Moore, McManus, Selway, Shaw, Towers and Walker.—17.

Title agreed to.

Senate Bill No. 8, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Cluston, Cummings, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Warren, Weed, Wendel, Wilham and Mr. Speaker.—57.

Noes.—McManus and Patten.—2.

Absent and not voting.—Brewster, Campbell, Cato, Corby, Cutler, English, Hess, Kirwan, Longstaff, O'Connor, Walker, Whiteside and Wilder.—14.

Title agreed to.

Senate Bill No. 27, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cluston, Cummings, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Potter, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Barbour, Brewster, Cato, Corby, Cameron, Cutler, English, Griffin, Kirwan, Longstaff, McDonald, Patten, Scallon, and Walker.—14.

Title agreed to.

The following Senate amendments to House Bill No. 82 were read:

Amend title as follows: "An Act to amend Section 2505 and 2506 of the Civil Code of the State of Montana, relating to hotels, inns and lodging houses, and the better protection of guests and employees from fire."

Amend title by adding after the word "inn-keepers," the words "and the better protection of guests from fire."

Strike out the word "or" after the word "hotel," in lines 3, 6, and 15, in Section 1, and in lines 24, 29, and 45 in Section II, and add after the word "inn" in each of the above lines, the words "or lodging house."

Also strike out the word "guests" in line 6, Section 1, and line 34, Section II.

Strike out the word "guests" in line 14, Section 1, and line 29, of Section II, and substitute in lieu thereof the word "lodging."

Strike out the word "and" in Section II, line 39, and insert after the word "inns" in said line the following: "and lodging houses."

The above Senate amendments to House Bill No. 82 were concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—59.

Noes.—Gerber.—1.

Absent and not voting.—Bennett of Madison, Brewster, Cato, Cutler, English, Harden, Kirwan, Longstaff, McDonald, Potter, Selway, Walker, Warren.—13.

Senate Bill No. 14, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Cameron, Cutler, Duncan, Farmer, Fischer, Gerber, Greene, Griffin, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morris, McManus, Macaulay, Patten, Root, Ross, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Warren, Weed, Wendel, Wilham and Mr. Speaker.—41.

Noes.—Allen, Bennett of Madison, Boorman, Cluston, Cummings, Decker, Goff, Gray, Harbordt, Hess, Miles, Miller of Lewis and Clark, McDonald, O'Connor, Potter, Powers, Seidler, Selway, Towers, Tudor, Whiteside and Wilder.—22.

Absent and not voting.—Brewster, Campbell, Cato, Corby, English, Harden, Kirwan, Logan, Longstaff, and Walker.—10.

Title agreed to.

Senate Bill No. 20, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Leighton, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Warren, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—60.

Noes.—None.

Absent and not voting.—Brewster, Campbell, Cato, Corby, English, Hyndman, Kirwan, Kroger, Logan, Longstaff, Maxwell, Walker and Wilder.—13.

Title agreed to.

Senate Bill No. 21, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Blake, Blewett, Brownlee, Burke, Cameron, Cluston, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Harden, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Powers, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—50.

Noes.—Bennett of Madison, Boorman, Brewster, Cummings, Gray, Harbordt, Miller of Lewis and Clark, Miller of Park, Potter, Seidler, Towers, and Wilham.—12.

Absent and not voting.—Bennetts of Silver Bow, Campbell, Cato, Corby, Cutler, English, Hess, Kirwan, Longstaff, O'Connor, Walker.—11.

Title agreed to.

The House took a recess at 12 o'clock Noon until this afternoon at 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Feb. 19, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration House Bill No. 339, introduced by Morgan, being a Bill entitled, "An Act limiting the liabilities of incorporated cities and towns for damages from personal injuries on sidewalks and streets," beg leave to respectfully recommend that the bill do pass.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 242, 291, 285, 190, 156, 168, 266, 183, and 245 have been correctly printed.

Tudor, from the Committee on State Institutions, Public Buildings and Grounds, reported as follows:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred Senate Bill No. 41, recommend that the same be concurred in.

Report adopted.

Brownlee, from the Committee on Townships and Counties, reported as follows:

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 251, being a Bill introduced by Allen, for an Act entitled "An Act to provide that the Board of County Commissioners of each county in the State, shall pass a resolution to be known as the 'Annual Appropriation Resolution;' provide for a tax levy; to provide for each county officer to file with the said Board an estimate of their annual expenses for the fiscal year; and to provide a county fiscal year," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Blake, from the Committee on Privileges and Elections, reported as follows:

Mr. Speaker:

We, your Committee on Privileges and Elections, to which was referred Senate Bill No. 35, introduced by Everett, "A Bill for an Act to amend Sections 1270, 1355, 1360, 1408, 1410, 1412, 1413 and 1414 of the Political Code of the State of Montana, and Sections 1354 and 1361 of the same Code, as amended by House Bill No. 59 of the Laws of 1901, approved March 7, 1901, relating to ballots, voting and election returns, and providing further for the voter while preparing his ballot and casting the same," recommend that the same be concurred in.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Helena, Montana, February 19, 1907.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, to whom was referred House Bill No. 57, respectfully report that we have had same under consideration and herewith submit a substitute for said bill, with the recommendation that said substitute do pass.

Report adopted.

Also:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, to whom was referred House Bill No. 144, respectfully report that we have had same under

careful consideration and herewith submit a substitute for said bill, with the recommendation that said substitute do pass.

Report adopted.

Tudor, from the Committee on State Institutions, Public Buildings and Grounds, reported as follows:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred petitions and bids for furnishing water for the State capitol building and grounds recommend that the bid of the Helena Water Works Company be accepted and the State Furnishing Board be authorized to enter into contract as per accompanying bid, fifteen (15) cents per one thousand gallons for the next two years.

Report referred back to Committee on State Institutions, Public Buildings and Grounds.

Greene, from the Committee on Agriculture and Horticulture, reported as follows:

Mr. Speaker:

We, your Committee on Agriculture and Horticulture, having in consideration Senate Bill No. 62, introduced by Edwards, being a Bill for an Act entitled, "An Act regulating and prescribing the manner of measuring hay in stack to determine tonnage," recommend the following amendment:

In Section 1, line 1, amend by inserting after the word "law" the following: "unless otherwise agreed to between the contracting parties."

We recommend to strike out lines 9, 10 and 11, and place in lieu thereof, the following: "Five hundred and twelve (512) cubic feet shall constitute a ton of alfalfa or rough slough grass hay, after the same shall have been in the stack thirty (30) days and up to one (1) year.

Four hundred and fifty (450) cubic feet shall constitute a ton of clean timothy and clover after the same shall have been in stack thirty days, and up to one year."

We recommend that this bill be concurred in as amended.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Agriculture and Horticulture, having had under consideration House Bill No. 48, introduced by Miller, being a Bill for an Act giving to lessors of farm lands a lien upon the crops grown upon the leased premises for the rent of such premises, recommend the indefinite postponement of same.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Agriculture and Horticulture, having had under consideration Senate Bill No. 55, being a Bill for an Act entitled "An Act to empower the Montana State Board of Horticulture to establish a quarantine

over any orchard, or place where fruits are grown or kept, that is infested with any injurious disease or insect pest; empowering said Board to establish rules and regulations governing such quarantine and fixing the penalty for violation thereof; to provide for the collection of money expended by the said Montana State Board of Horticulture in the eradication of disease, and the insect pests and fruit trees, recommend the concurrence in same."

Report adopted.

COMMUNICATIONS AND PETITIONS.

A communication from the Conconully, Washington, Commercial Club, relative to Forest Reserves, was read and referred to Committee on Federal Relations.

Mr. Speaker announced that he had appointed Marshall, Miller of Park, and Weed, as conference committee to meet with like committee from the Senate to confer in the disposition of Senate amendments to House Bill No. 129.

Brownlee was given permission to introduce House Bill No. 370 without notice.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Live Stock and Public Ranges, H. B. No. 369. A Bill for an Act entitled An Act providing for the disposition of moneys received from the sale of estrays.

By Brownlee, H. B. No. 370. A Bill for an Act to repeal House Bill No. 147, Session Laws of the Seventh Legislative Assembly providing for the appointment of a State Game and Fish Warden and Special Deputy Game and Fish Warden, and to repeal Chapter Fifty-seven, Session Laws of 1905, relating to Fish and Game licenses, and to provide for the disposition of money remaining in the Fish and Game fund; to provide for the licensing of non-resident hunters, and penalties for the violation of Fish and Game Laws, and making it the duty of the sheriff and deputy sheriffs to enforce the Fish and Game Laws.

Griffin was given permission to introduce H. B. No. 371 without notice

By Griffin, H. B. No. 371. A Bill for an Act permitting the killing of Beaver at all seasons of the year.

THIRD READING OF SENATE BILLS.

Senate Bill No. 24, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Burke, Campbell, Cameron, Corby, Cummings, Cutler, Decker, Duncan, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Blewett, Brownlee, Cato, Cluston, English,

Farmer, Griffin, Harden, Logan, Longstaff, Morris, McDonald, Selway, Towers, Walker and Warren.—16.

Title agreed to.

Senate Bill No. 38, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cluston, Cummings, Decker, Duncan, Fischer, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Brownlee, Cato, Corby, Cutler, English, Farmer, Gray, Griffin, Logan, Longstaff, McDonald, Selway, Towers, Walker, Warren, and Weed.—16.

Title agreed to.

Senate Bill No. 44, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Decker, Duncan, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson, of Sanders, Thompson of Fergus, Towers, Tudor, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker.—61.

Noes.—None.

Absent and not voting.—Brownlee, Cato, Cutler, English, Farmer, Logan, Longstaff, McDonald, McManus, Walker, Warren, Weed.—12.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows.

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 146 and 222 have been correctly printed.

Harden, from the Committee on enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 19th day of February, 1907:

House Bill No. 148. An act to establish a State Bureau of Vital Statistics, placing the same under the supervision of the Secretary of the State Board of Health, and describing the duties of the Secretary of the State Board of Health and the duties of the subordinate officers of the State Board of Health relative thereto, and fully providing for the registration of births

and deaths and other statistical matter relative to sanitary affairs and providing for subregistrars and providing for the payment therefor.

House Bill No. 104. An Act to amend Section 4870 of the Political Code of the State of Montana as amended by House Bill No. 213, entitled "An Act to amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, and 4877 of the Political Code of the State of Montana, relating to taxation in municipal corporations, approved March 3, 1897.

House Bill No. 130. An Act making appropriations for the executive and judiciary departments of the State Government for the three months ending February 28, 1907.

House Bill No. 172. An Act appropriating money for the payment of deficiency claims in connection with the Meat and Milk Inspector's Office.

Wendel, from the Committee on Affairs of Cities, reported as follows:

February 19, 1907.

Mr. Speaker.

We, your Committee on affairs of Cities, having had under consideration House Bill No. 337, introduced by McDonald, being "An Act to amend Section 4756 of the Political Code, relating to officers of election, places of voting and election districts, and election matters in municipal corporations", beg leave to respectfully recommend that the bill do pass.

Report adopted.

NOTICES OF BILLS.

By Griffin. A Bill regulating and prescribing the hours of labor and work of the guards and other employes of the State Penitentiary as constituting a days work.

By Allen. A Bill for an Act entitled An Act appropriating money from the general fund to be placed to the credit of the stock indemnity fund.

By Miller of Park. A Bill for an Act prohibiting the publication in newspapers or otherwise of offensive, improper and obscene matter and providing for prosecutions and penalties.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Senate:

Senate Chamber, February 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable body that House Bill No. 1 was this day read third time and concurred in as amended, and is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

H. K. HOWRY, Secretary.

On motion by Weed, the rules were suspended and House Bill No. 1 was placed on third reading for the purpose of acting on Senate amendments thereto.

The following Senate amendments to House Bill No. 1 were read:

Amend Section 7, line 71, by striking out the second "their" between "have" and "traveling" and inserting "a right to free transportation, and to have their actual and necessary."

Add at the end of Section 9 the following: "In the event the process issued by the Board is a subpoena for the attendance of a witness, and he

shall have failed, neglected or refused to obey the same, the Board is hereby authorized to file a petition with any District Court in the state, setting up the facts and the necessity of having such witness appear in such trial, and the court shall thereupon summarily direct that a subpoena be issued out of the court requiring the attendance of any person, or persons, as a witness before the court; and the Board shall thereupon have the power and authority to examine such witness before said court, under oath, respecting any inquiry or investigation being made by said Board under and pursuant to the provisions of this Act. The Court shall likewise, when any petition is filed stating the necessity therefor, order the production of any person or corporation, for examination in said court, any books, papers, records or files necessary or pertinent to any inquiry or investigation then being made by said Board.

Amend Section 13 by adding thereto the following: "And it shall be within the province of the Board to entertain and hear complaints made by any shipper to the fact that unjust discrimination is being made as against the State of Montana, or any point therein, in the way of rates for the transportation of freight or passengers from points without the state to points within the state, and vice versa; and in proper cases, when it appears that the United States Interstate Commerce Commission Law has been violated, it is thereby made the duty of said Board to make complaint to the Interstate Commerce Commission of the United States and to aid such commission in any investigation it may make concerning violations of the United States Law, by furnishing evidence, and in any other manner which may seem best suited to enforce both the United States and State Law, and to protect the interests of the people."

In Section 16, line 165, after the word "State" insert the following: "In all matters appertaining to the duty of said Board and within its power and authority under the provisions of this Act."

In line 170, Section 16, after the word "above" insert the following: "Insofar as the same may be pertinent to any matter under investigation before said Board", and strike out beginning in line 171 after the word "Act" all the remaining lines including 184.

Strike out all of Section 17, and re-number Section 16B as Section 17.

Amend Section 18 by striking out everything appearing after the word "transportation", in line 210, down to and including the word "Board" in line 214.

In line 251, Section 21, after the word "unreasonable" insert the following: "It shall thereupon be the duty of said Board to make new rates or a reclassification, as the case may be", and strike out the balance of line 251, beginning with the words "the court," lines 252, 253, and on line 254, ending with the word "court".

Amend by striking out all of Section 22 and advancing all the remaining Sections of said bill one number.

Amend Section 23, line 266, by striking out the words "passengers or."

Amend Section 23 by adding after the word "offense" in line 272, "provided that nothing herein shall be so construed as to prevent any railroad or

railroad corporation from giving excursion rates to or from any point within or without the state.

Amend Section 28, line 335, after the word "Boards" by inserting "affecting rates or charges".

Amend line 340, Section 28, by striking out all the remainder of this section after the words "shall be" and inserting the words "fixed and assessed as by the court may seem just and equitable".

Amend Section 29 by striking out in line 346 the word "railroad", and inserting after the word "said" the words "Board of Railroad Commissioners".

In line 350 after the word "Board" insert "affecting rates or charges". and after the word "conclusive" in the same line insert "except as herein otherwise provided".

Amend Section 30 in line 357 by inserting after the word "commission" the words "relating to rates and charges".

Motion by Whiteside, that Senate amendments to Section 16 be segregated from the other amendments, and that roll be called upon same. Motion carried.

Roll was then called and Senate amendments to Section 16 were concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brownlee, Brewster, Campbell, Cameron, Corby, Cummings, Cutler, Decker, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan Morris McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, and Mr. Speaker.—50.

Noes.—Blewett, Burke, Cluston, Duncan, Fischer, Kirwan, Miles, Miller of Lewis and Clark, O'Connor, Powers, Sherman, Swindlehurst, Whiteside and Wilham.—14.

Absent and not voting.—Boorman, Cato, English, Longstaff, McDonald, Potter, Walker, Warren, and Wilder.—9.

Motion by Whiteside that Senate amendments to Section 17 be segregated from other amendments, and that roll be called thereon.

Mr. Speaker ruled the motion out of order. The decision of the chair was appealed from and sustained by the following vote on roll call:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Campbell, Cameron, Corby, Cummings, Cutler, Decker, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Marshall, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel.—51.

Noes.—Blewett, Burke, Cluston, Duncan, Fischer, Kirwan, Miles, O'Connor, Powers, Sherman, Swindlehurst, Whiteside and Wilham.—13.

Absent and not voting.—Boorman, Cato, English, Longstaff, McDonald, Walker, Warren, Wilder and Mr. Speaker.—9.

Roll was then called on Senate amendments to House Bill No. 1, and they were concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cummings, Cutler, Decker, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, and Mr. Speaker. '55.

Noes.—Blewett, Burke, Cluston, Duncan, Fischer, Kirwan, Miles, O'Connor, Powers, and Wilham.—10.

Whiteside refused to vote, and was excused by Mr. Speaker.

Absent and not voting. Cato, English, Longstaff, McDonald, Walker, Warren, Wilder.—7.

• The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker.

Your Committee of the Whole, having had under consideration Senate Joint Resolution No. 1, introduced by Miles, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Joint Memorial No. 1, introduced by Everett, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Joint Memorial No. 1, introduced by Patton, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Memorial No. 2, introduced by Allen, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Memorial No. 4, introduced by O'Connor, reports same back to the House with the recommendation that it do pass as amended, as follows:

Strike out lines 20, 21, 22, 23, 24, 25 and 26.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Wendel in the chair.

House resumed.

Mr. Speaker in the chair.

Wendel, from the Committee of the Whole, reported as follows:

Mr. Speaker.

Your Committee of the Whole, having had under consideration House Bill No. 158, introduced by Marshall, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by inserting in line 2 the word "and" after the word "completion".

Amend Section 4 by inserting after the word "completion" in line 14, before the word "furnishing" the word "and", and in line 17 strike out "and" between "erection" and "completion" and insert the word "and" between the word "completion" and "furnishing".

Amend Section 5 by inserting in line 18 after the word "erection" the words "completing and furnishing".

Also having had under consideration House Bill No. 301, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it be referred to Appropriations Committee.

Also having had under consideration House Bill No. 208, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 231, introduced by McManus, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 320, introduced by Appropriations Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 322, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 323, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 321, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 162, introduced by Allen, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by inserting after the word "money" the words "in the stock indemnity fund" in line 3.

Also having had under consideration House Bill No. 228, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass.

Report adopted.

REPORT OF STANDING COMMITTEE.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 19, 1907

Mr. Speaker.

Your Committee on Printing begs leave to report that House Bill 241 has been correctly printed.

On motion of Miller of Park, the House adjourned at 5:45 P. M. to meet to-morrow at 10 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FORTY-FIFTH DAY

Wednesday, February 20, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, Longstaff, Morris, Shaw, Weed and Wilham.

Boorman reported as follows:

Mr. Speaker.

Your Committee on House Journal beg leave to report having examined and read Journal of Tuesday, February 19, and believe the same to be correct.

Report adopted.

NOTICES OF BILLS.

By Shaw. A Bill for an Act to regulate the employment of child labor and to otherwise protect children.

By Thompson of Sanders. A Bill entitled "A Bill for an Act to provide for the payment of bounties for the killing of certain birds of prey and appropriating money for the payment thereof, and also prescribing penalties for making false claims.

By Thompson of Sanders. A Bill entitled "A Bill for an Act providing for a license on dogs and prescribing penalties.

By Root. A Bill for an Act entitled "An Act making it unlawful for any person owning or having sheep in charge to herd or permit the same to be herded on the land or possessory claims of other persons, or to herd the same or permit the same to be herded or grazed within two miles of the dwelling house of the owner of any land or possessory claim."

O'Connor and Seidler were given permission to introduce bills without previous notice.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker.

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 320, 208, 158, 231 correctly engrossed.

Miller of Park, from the Committee on Education, reported as follows:

Mr. Speaker.

Your Committee on Education, to whom was referred Senate Bill No. 40, relating to the levy of taxes for support of common schools, beg leave to report the same back to the House and recommend that the same be concurred in.

Report adopted.

McManus, from the Committee on Mines and Mining, reported as follows:

Mr. Speaker.

Your Committee on Mines and Mining, having had under consideration

House Bill No. 250, introduced by Miller of Park, being a Bill for an Act entitled: "An Act to amend an Act approved March 18, 1901, entitled 'An Act creating the office of Inspector of Coal Mines, defining his duties, and providing for his salary, and providing penalties for the violation thereof, creating the office of Coal Mine Inspector', and making the Coal Mine Inspector ex-officio the sealer of weights and measures of coal mines, and providing for his removal for cause, also providing for the payment of fees for inspecting coal mines and inspection of coal mine scales; also defining the duties of said coal mine inspector, providing for his salary, and providing penalties for the violation thereof", recommend that the same do pass, and be placed on general orders.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Shaw, Tudor and Weed, H. B. No. 372. A Bill for an Act entitled "An Act appropriating the sum of Fifty Thousand Dollars, or so much thereof as may be necessary, for the payment of salaries and other necessary expenses of the State Railroad and Warehouse Commission and its employees.

By Shaw, H. B. No. 373. A Bill for an Act entitled, "An Act appropriating the sum of Five Thousand Dollars, or so much thereof as may be necessary for the construction of a brick sidewalk on the State Capitol Grounds.

By Seidler, H. B. No. 374. A bill for an Act to provide for the publication of public acts of legislative session, and appropriating money to defray the cost thereof.

By Allen by request, H. B. No. 375. A Bill for an Act entitled: "An Act to create the County of Daly, designate its boundaries, and to provide for its organization and government.

By Allen, H. B. No. 376. A Bill for an Act entitled an Act appropriating money from the general fund to be placed to the credit of the stock indemnity fund.

By Seidler, H. B. No. 377. A Bill for an Act entitled "An Act to repeal Section 681 of the Civil Code of the State of Montana, respecting the taxation of insurance companies on their excess premiums.

By O'Connor, H. B. No. 378. A Bill for an Act entitled "An Act to amend Section 3498 of the Political Code as enacted by House Bill No. 45, approved March 1st, 1899, relating to the investment of the permanent School Fund, and the permanent funds of State Institutions of Learning."

By Logan, H. B. No. 379. A Bill for an Act providing an open and closed season for the killing of deer.

By Marshall, H. B. No. 380. A Bill for an Act entitled, "An Act to authorize the Secretary of State to purchase five hundred (500) copies of the complete codes and statutes of the State of Montana, in force July 1, 1895, and making an appropriation therefor."

By Committee on State Institutions, Public Buildings and Grounds. House Joint Resolution No. 8. In reference to contract to be let for furnishing water for the State Capitol.

COMMUNICATIONS AND PETITIONS.

A petition relative to House Bill No. 192 was read, and referred to Committee on Sanitary Affairs.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 369, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

H. B. No. 370, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 371, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 372, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 373, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 374, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 375, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 376, read first and second times in full, and referred to Committee on Ways and Means.

H. B. No. 377, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 378, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 379, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 380, read first and second times in full, and referred to Committee on Ways and Means.

H. J. R. No. 8, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

REPORTS OF STANDING COMMITTEES.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker.

Your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 369, A Bill for an Act entitled: "An Act providing for the disposition of moneys received from the sale of estrays," recommend that the same do pass.

Report adopted.

Wendel was given permission to introduce a Bill without previous notice.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Wendel, H. B. No. 381. A Bill for an Act to authorize the outstanding of disputed evidence of indebtedness of cities and towns issued for municipal purposes and now held or owned by bona fide holders thereof for value and the issuance of funding bonds therefor.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 381, read first and second times by title only, and referred to Committee on Judiciary.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that Senators White, Albright and Tooley have this day been appointed by the President as a Conference Committee to confer with a like committee from the House in regard to the adoption of Senate amendments to House Bill No. 129.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that the following House Bills were introduced and read first and second times by title only:

H. B. No. 33, by Leighton. Referred to Committee on Public Buildings.

H. B. No. 115, by Corby. Referred to Committee on Labor and Capital.

H. B. No. 178, by Blake. Referred to Committee on Judiciary.

H. B. No. 122, by Warren. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 78, by Towers. Referred to Committee on Public Buildings.

H. B. No. 200, by Live Stock Committee. Referred to Committee on Stockgrowing and Grazing.

H. B. No. 197, by Weed. Referred to Committee on Judiciary.

H. B. No. 120, by Marshall. Referred to Committee on Public Morals.

H. B. No. 116, by Kirwan. Referred to Committee on Railways and Transportation.

H. B. No. 9, by Tudor. Referred to Committee on Roads, Highways and Bridges.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that the following notices of bills were given:

By Donlan. A Bill for an Act entitled An Act to amend Section 4 of Substitute for Senate Bill No. 11, Session Laws of the Fifth Legislative Assembly of the State of Montana, relating to the salary of the Chief Clerk of the Bureau of Agriculture, Labor and Industry.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced and read first and second times by title only:

S. B. No. 105, by Edwards, by request. A Bill for an Act to regulate the practice of optometry. Referred to Committee on Judiciary.

S. B. No. 106, By Haviland, by request. A Bill for an Act to authorize the creation and formation of assessment insurance companies and to regulate associations known as, and commonly called, Burial Leagues, or Mutual Burial Societies, or Associations. Referred to Committee on Corporations other than Municipal.

S. B. No. 107, by Donlan. A Bill for an Act authorizing the State Furnishing Board to purchase linoleum for the offices situated on the first floor of the Capitol Building and a safe and other fixtures for the State Land Office, and to appropriate money for the payment thereof. Referred to Committee on Public Buildings.

S. B. No. 108, by Harper. A Bill for an Act to create a non-resident fishing license; to provide for residents to secure fishing and hunting licenses by application and providing for the State Auditor to furnish license blanks; fixing commission on license sales; creating additional game and fish districts and providing deputies for the same; permitting forestry officers of the United States to secure a residents license and reducing the cost of guides licenses. Referred to Committee on Fish and Game.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that the committees to whom were referred House Bills numbered 30 and 107 have recommended that they be indefinitely postponed and these reports having been adopted by the Senate, the same are herewith returned.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that House Bills numbered 134, 249, and Sub. for H. B. No. 47, having been concurred in by the Senate are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that H. B. No. 22 has been concurred in as amended in the Senate and is herewith returned to the House for its concurrence in the Senate amendment.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that H. B. No. 22 has been concurred in as amended in the Senate and is herewith returned to the House for its concurrence in the Senate amendment.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 19, 1907.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 61, 65 and 60, were this day read third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Weed, H. B. No. 382. A Bill for an Act providing for the custody by relatives or the detention in the State Asylum for the Insane or the State Penitentiary of persons who are criminally insane when acquitted upon trial by jury on the ground of insanity.

By Cluston, H. B. No. 383. A Bill for an Act entitled "An Act to create the office of State Railway Track and Roadbed Inspector for the State of Montana and prescribing his powers and duties, and fixing compensation therefor."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 382, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 383, read first and second times by title only, and referred to Committee on Railroads and Transportation.

THIRD READING OF SENATE BILLS.

Senate Joint Resolution No. 1, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder. Mr. Speaker.—62.

Noes.—Potter—1.

Absent and not voing.—Barbour, Cato, Fischer, Harden, Logan, Longstaff, Morris, O'Connor, Shaw, and Wilham.—10.

Senate Joint Memorial No. 1, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow,

Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Wendel, Whiteside, Wilder and Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Barbour, Cato, Farmer, Fischer, Goff, Greene, Gray, Harden, Logan, Longstaff, Miles, Morris, Macaulay, O'Connor, Shaw, Tudor, Weed, Wilham.—18.

THIRD READING OF HOUSE BILLS.

House Bill No. 158, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Greene, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Wendel, Whiteside, Wilder and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Cato, Farmer, Fischer, Goff, Gray, Harden, Longstaff, Miller of Park, Morris, Root, Shaw, Tudor, Weed, Wilham.—14.

Title agreed to.

House Bill No. 208, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Greene, Gray, Griffin, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Warren, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—59.

Noes.—Harbordt and Potter.—2.

Absent and not voting.—Campbell, Cato, Fischer, Goff, Harden, Longstaff, Morgan, Morris, Shaw, Towers, Tudor, Wilham.—12.

Title agreed to.

House Bill No. 231, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Blewett, Kroger, Logan, Man-

chester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Warren, Wendel, Whiteside, Wilder and Mr. Speaker.—59.

Noes.—None.

Absent and not voting—Boorman, Cato, English, Fischer, Harden, Leighton, Longstaff, Morris, Potter, Shaw, Towers, Tudor, Weed, Wilham.—14.

Title agreed to.

House Bill No. 320, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, McManus, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Warren, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Blake, Boorman, Cato, English, Farmer, Fischer, Harden, Longstaff, Moore, Morris, Macaulay, Selway, Shaw, Tudor, Walker, Wilham.—16.

Title agreed to.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 157, introduced by Walker, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 50 the words "Thirteen Hundred and Twenty," and inserting in lieu thereof the words "Fifteen Hundred."

Also having had under consideration House Bill No. 305, introduced by Marshall, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 5 the word "day" and inserting in lieu thereof the word "Monday."

Also having had under consideration House Bill No. 192, introduced by Campbell, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by adding before the word "any" in line 1, the following "Section 606".

Amend Section 1 by inserting in line 15, after the word "another", the following: "by using or prescribing any drug, medicine or surgical treatment".

Amend Section 1 by adding after the word "State" the following: "Nothing in this Act shall be construed to interfere in any manner with the practice of pharmacy as provided for by the statutes of this State."

Report adopted.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bill as correctly enrolled this 20th day of February, 1907:

House Bill No. 249. An Act to authorize and empower foreign corporations to exercise the right of eminent domain in Montana.

Also:

Mr. Speaker:

Your Committee on Enrollment report the following bill as correctly enrolled this 20th day of February, 1907.

House Bill No. 1. An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.

Mr. Speaker announced that he was about to sign House Bills Nos. 249 and 1, and signed the same in the presence of the House.

The house took a recess at 12:15 P. M. until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Cummings, by request, H. B. No. 384. A Bill for an Act appropriating money for the payment of the claim of L. B. Stark for \$160.00 erroneously paid the state by him under a void lease of state lands.

By Potter, H. B. No. 385. A Bill for an Act entitled, "An Act to repeal an Act to amend Sections 3070, 3071, 3072 and 3076 of the Political Code of Montana, as amended by an Act approved March 6th, 1903; relating to the bounties for the killing of certain wild animals, approved March 1st, 1905."

By Committee on Fairs and Expositions, H. B. No. 386. A Bill for an Act entitled, "An Act creating a commission to provide for the display of the resources of Montana at the Alaska-Yukon-Pacific Exposition at Seattle, Washington, in 1909; to define its duties and powers, and to make an appropriation therefor."

By Committee on Appropriations, H. B. No. 387. A Bill for an Act entitled, An Act appropriating money for the payment of certain claims for expenses incurred by the committee appointed to investigate the car and coal shortage in Montana.

On motion by Miller of Park, Senate Bill No. 8 was recalled from the Senate.

By unanimous consent Mr. Speaker instructed the Chief Clerk to correct Journal of Monday, the 18th inst., wherein the same shows that Senate Bill No. 8 was amended in the House by changing, in Section 1, the words "twenty-four" to "forty-eight"; and to show that the same was not amended in that respect.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill 226 has been correctly printed, with the omission of three words in Section 5.

Towers, from the Committee on State Lands, reported as follows:

February 20, 1907.

Mr. Speaker:

Your Committee on State Lands, to which was referred House Bill No. 265, introduced by Gray by request, A Bill for an Act entitled, "An Act to amend Section 3480 of the Political Code, as enacted by the Act of the Sixth Legislative Assembly approved March 1st, 1890, and amended by the Act of the Eighth Legislative Assembly approved February 25th, 1903, and to amend Section 3491 of the Political Code as enacted by the Act of the Sixth Legislative Assembly approved March 1st, 1890, relating to the sale and leasing of State Lands", recommend that it be indefinitely postponed.

Report adopted.

Also:

February 20, 1907.

Mr. Speaker:

Your Committee on State Lands, to which was referred Senate Bill No. 42, introduced by Donlan, A Bill for an Act entitled, "An Act providing that upon sale of lands belonging to the State of Montana, minerals and coal shall be reserved, in the patent", recommend that it be concurred in.

Report adopted.

Goff, from the Committee on Military Affairs, reported as follows:

Mr. Speaker:

We, your Committee on Military Affairs, having had under consideration House Bill No. 216, introduced by Goff, "A Bill for an Act to amend Sections 7, 11, 13, 15, 16, 18, 21, 35, 36 and 47 of an "Act to revise the laws in reference to the State Militia of the State of Montana and to repeal certain laws named in this Act", approved March 9, 1897, and providing for the appointment of a Chief Clerk to the Adjutant General and a Military Store Keeper and fixing salaries," recommend that the bill be amended, as follows:

Section 2, line 13, insert after the word "Governor" the words "except annual encampment."

Section 2, strike out all words in lines 13 and 14 after the words "pay of" and insert the words "a Captain of Infantry United States Army".

Section 21 of Section 7, line 12 amended by inserting after the words "the Army of the United States," the words "not to exceed the pay of Captains of Infantry".

Amend by striking out Section 10.

Strike out Section 11 and substitute the following: "The Adjutant General of the National Guard of Montana shall have a Chief Clerk to be appointed by the Governor, upon the recommendation of the Adjutant General. Said Chief Clerk shall perform such duties as may be delegated him by the Adjutant General and in addition thereto shall perform the duties of Military Store Keeper and shall receive for his compensation the sum of Twelve Hundred (1200.00) Dollars per year, payable in the same manner as the salaries of other State officers are paid".

Section 11 to be numbered Section 10.

Section 12 to be numbered Section 11.

Section 13 to be numbered Section 12.

Respectfully recommend that the same do pass as amended.

Report adopted.

Brownlee, from the Committee on Townships and Counties, reported as follows:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 124, introduced by Marshall, being a Bill for an Act entitled "An Act prescribing the number of deputies to which County Assessors are entitled", beg leave to report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 343, introduced by Brewster, being a Bill for an Act entitled: "An Act to provide for the gathering and sale of unknown strays upon the public domain", recommend that the same do pass as amended, as follows:

Amend by inserting after the word "estrays" in line 13, the following: "And shall also cause notices to be published for three consecutive times in some daily paper of general circulation, or two consecutive times in some weekly paper of general circulation in the county wherein such stray is held, if there be such paper published therein, and if not, in the nearest paper to such county, giving a complete description of such animal. Such notice shall also state that unless the owner of such animal appear within fifteen days after the date of the first publication thereof and claim said animal, and pay all charges thereon, that the same will be sold to the highest bidder for cash."

Also strike out the word "gross" in line 15, page 2, of Section 1, and insert in lieu thereof the word "net".

Report adopted.

Allen reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 333, introduced by Cameron, being a Bill for an Act entitled

An Act to amend Section 4044 of the Political Code of Montana as amended by Chapter 92, Laws of 1903, relating to licenses, beg to recommend the same back to the House for passage.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 218, report the same back and recommend that it be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 238, report the same back to the House and recommend that it be indefinitely postponed by request of the introducer.

Report adopted.

• Also:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

Your Committee having had under consideration House Bill No. 341, reports the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Helena, Montana, Feb. 19, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 171, report the same back and recommend that it be indefinitely postponed.

Report adopted.

NOTICES OF BILLS.

By Morgan. A Bill for an Act providing for temporary floors and safe scaffoldings in buildings during the erection thereof, for the protection of the persons working thereon.

By Morris. A Bill for an Act to provide for the sale by the State of the lands acquired under and by virtue of Chapter 118, Session Laws of 1903, approved March 7, 1903.

By Cummings. A Bill for an Act entitled: "An Act appropriating money for the payment of the claims of L. B. Stark for \$160.00 erroneously paid the State by him under a void lease on State Lands.

Motion by Shaw, that when the House adjourn, it adjourn until 11 A. M. to-morrow. Motion carried.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Appropriations, H. B. No. 388. A Bill for an Act appropriating money for the payment of claim of S. A. D. Hahn for services.

By Morris, H. B. No. 389. A Bill for an Act entitled An Act relating to the licensing of peddlers and canvassers of agricultural and domestic implements and machinery and other articles, and to repeal Chapter LVI, of the Laws of 1903, relating to the same.

By Miller of Park by request, H. B. No. 390. A Bill for an Act appropriating money for the payment of a balance due on mileage allowed by law to sheriffs for transporting prisoners to the State Prison during the years of 1903 and 1904.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 153, introduced by Leighton, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1. by striking out in line 3 the word "hereafter," and inserting after the word "person", "not heretofore licensed to do so".

Amend Section 1 by striking out in line 70 the word "five" and inserting in lieu thereof the word "three".

Amend Section 3 by making it read Section 2 and amend Section 4 by making it read Section 3.

Also having had under consideration House Bill No. 185, introduced by Griffin, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 14, 15 and 16, all after the word "and", and inserting in lieu thereof the words "may be imprisoned for not less than three months nor more than one year, or by both such fine and imprisonment".

Amend Section 1 by adding thereto the following: "Provided that nothing herein contained shall be construed so as to prevent any person, not a minor, from playing cards or other game for cigars. Provided, further, that this shall not permit the use of cigar machines".

Amend Section 2 by inserting after the word "duty" in line 24, the words "and holding the same to be disposed of according to law".

Amend Section 2 by adding after the word "Dollars" in line 22 the words "and may be imprisoned for not less than three months nor more than one year, in the discretion of the court."

Amend Section 5 by adding after the word "Dollars" in line 38, the words "or imprisonment not less than three months nor more than one year, or both such fine and imprisonment, in the county jail."

Amend Section 6 by striking out the word "thirty" in line 42, and inserting in lieu thereof the words "six months".

Amend Section 9 by striking out in line 55 the word "last" and inserting in lieu thereof the word "preceding".

Amend Section 13 by adding after the word "Dollars" in line 86, the

words "or imprisonment for not less than six months nor more than one year in the county jail, or both such fine and imprisonment".

Amend Section 16 by striking out in line 120 the words "sixty days" and inserting in lieu thereof the words "one year"; strike out "the next" in lines 119 and 120.

Amend Section 23 by striking out in line 168 the words "its passage and approval" and inserting in lieu thereof the words "April 1st, 1907".

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 20, 1907..

"To the Speaker of the House of Representatives, Helena, Montana.

The following House Bills have been approved and deposited with the Secretary of State:

No. 73. An Act to provide for the filing of transcripts of judgments from the Circuit and District Courts of the United States, Ninth Circuit, District of Montana, with the District Court Clerk of any county in this state, and when so filed, such judgment to become a lien upon all real property of the judgment debtor not exempt from execution in such county.

No. 102. An Act appropriating money for the payment of the expenses of Dr. H. J. Ricketts, when investigating the cause and cure of spotted fever.

No. 133. An Act providing for the payment of deficiency claims in certain State offices.

No. 165. An Act to amend Article 2, Chapter 6, Part 3 Title 3, of the Political Code, relating to the duties of the county superintendents of schools, adding a section to be known as Section 1745, regarding the school census, and providing penalties for the violation of the provisions thereof.

No. 126. An Act appropriating money for the payment of certain deficiency claims account of State Fish and Game Warden.

No. 173. An Act appropriating money for the payment of deficiency claims in connection with the State Veterinarian's Office for clerical hire.

No. 127. An Act making appropriations for the State Institutions of Montana for the three months ending February 28, 1907.

No. 154. An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and material furnished the State Veterinarian.

No. 249. An Act to authorize and empower foreign corporations to exercise the right of eminent domain in Montana.

No. 172. An Act appropriating money for the payment of deficiency claims in connection with the Meat and Milk Inspector's office.

No. 130. An Act making appropriations for the executive and judiciary departments of the State government for the three months ending February 28, 1907.

No. 104. An Act to amend Section 4870 of the Political Code of the State of Montana, as amended by House Bill No. 213, entitled, "An Act to amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, and

4877, of the Political Code of the State of Montana, relating to taxation in municipal corporations, approved March 3, 1897."

No. 148. An Act to establish a State Bureau of vital statistics, placing the same under the supervision of the Secretary of the State Board of Health, and describing the duties of the Secretary of the State Board of Health and the duties of the subordinate officers of the State Board of Health relative thereto, and fully providing for the registration of births and deaths and other statistical matter relative to sanitary affairs and providing for sub-registrars and providing for the payment therefor.

House Bill No. 1. "An Act entitled An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof," has been filed with the Secretary of State without my approval, for the reasons set forth in a statement attached thereto, of which the annexed is a copy.

J. K. TOOLE, Governor.

While this bill does not meet my approval, it is only fair to say the Legislature has made numerous concessions which are a vast improvement on the bill of two years ago.

One of the objections urged in my veto message of the railroad commission bill at the last session was that the majority of the commission were made to hold over and beyond the next general election, contrary to the spirit if not the letter of the Constitution, as applied to elective offices.

That objection has been removed in this bill by making the terms of all of the commissioners expire January 1, 1900.

Another objection then urged was that the governor should have the power of removal. This second objection has been met in this bill by giving the governor power to suspend any or all of said commissioners and appoint their successors pending proceedings for removal under the Political Code.

A third objection urged to the former bills was that under its provisions the commission might expend a sum far in excess of the amount appropriated for attorney's fees, experts, etc., which, under Section 689 of the Political Code, the State Board of Examiners were obliged to transmit to the Legislative Assembly as a deficiency if found reasonable.

This third objection is also removed by Substitute for House Bill No. 47, which limits the expenditures of all officers to the amount appropriated unless first consented to by the Board of Examiners.

The only other objection urged in the veto to the bill of the last session related to the power and policy of the Legislature to make the appointment of the commissioners.

The Supreme Court in July last seem to have sustained the power of the Legislature to make these and similar appointments.

As I read the Constitution, this class of appointments is required to be made "by the Governor with the consent of the Senate." But, right or wrong, the decision referred to seems to eliminate that question; and, so far as I am officially concerned, I accept it as an authoritative exposition of the Constitution against my contention.

But if the power exists, certainly no one can justify the policy of exercising the power by the Legislature without running counter to the unanswerable logic of Jefferson, Story, and a host of other great statesmen and lawyers, the consensus of whose opinions is embodied in the following paragraph by Chief Justice Story:

"But in a public body appointments will be materially influenced by party attachments and dislikes, by private animosities and antipathies and particulars, and will be generally founded in compromises, having little to do with the merit of candidates and much to do with the selfish interests of individuals and cabals. They will be too much governed by local or sectional or party arrangements."

There may be some good reason why this new departure is made and these appointments should not be made as other important appointments—"by the Governor with the consent of the Senate"—but if so no one has ever condescended to make it known.

"No one," says Mechem, on "Offices and Officers," "can investigate this question without being strongly impressed with the conviction that the weight of opinion, both among statesmen and judges, is that the power of appointing to public office as a matter of policy ought not to be regarded as a legislative function."

It was hoped that such eminent authorities would prevail to the extent at least of giving the people a non-partisan commission, but the Legislature was inexorable.

There may be other objections to this bill, but this is the only one heretofore raised which has not been eliminated.

I am convinced that such a method of appointment is wrong in principle and will be found bad in practice, and cannot therefore give my express approval to it by signing this bill, but realizing the demand for a railroad commission by the people, I shall allow it to become a law without my approval rather than interpose a veto, which at best could only serve to vindicate my opinion on a mere matter of policy.

J. K. TOOLE, Governor.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Feb. 20, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 278, 233, 225, 304, 206, 202 and 180, have been correctly printed.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Joint Memorials No. 1, 2, 4, H. Bills 162, 228, 323, 321, 322, correctly engrossed.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Scallon in the chair.

House resumed.

Mr. Speaker in the chair.

Scallon, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 80, introduced by Allen, reports same back to the House with the recommendation that it do pass as amended, as follows:

Strike out Section 2, and insert in lieu thereof the following:

Section 2. That Article II, Section 9, be amended to read as follows: The County Surveyor of the Several Counties in the State shall have direct and personal supervision of the highways of their respective counties, and shall have power to do whatever may be necessary in their judgment and discretion for the best interests of the roads or road districts of the several counties, subject, however, to the general supervision of the Board of County Commissioners. The Board of County Commissioners shall:

- (1). Provide suitable books and have recorded therein a description of highways mentioned in this Act.
- (2) Cause to be surveyed, viewed, laid out, recorded, opened and worked, such highways as are necessary for public convenience and as are provided for in this act.
- (3) Cause to be recorded as highways, such roads as have become such by the dedication of or abandonment to the public, also streets or roads as have been or may be declared so under Section 1358 of the Code of Civil Procedure of the State of Montana.
- (4) Abolish or abandon such as are not necessary.
- (5) Contract or agree for, purchase or otherwise acquire, the right of way of private property for the use of public highways, and for that purpose to institute or require the County Attorney to institute proceedings under Title 8, Part 3, of the Code of Civil Procedure and to pay therefor from the General Road Fund of the County.
- (6) In their discretion to let out the contract for the construction, maintenance and improvements of highways and construction or maintenance or repairs of bridges or other adjuncts to the highways, when the amount of work to be done does not exceed Two Hundred Dollars (\$200).
- (7) In their discretion, cause to be erected and maintained on the highways and intersections of principal highways, guide posts properly inscribed."

Insert after the word "surveyor" in line 31 of Section 4, a Section to be numbered Section 4 and to read as follows:

"Section 4. That Article 3, Section 14, be amended to read as follows: All moneys collected under the provisions of this Act shall be apportioned as follows: To each road district shall be apportioned one-half of all the moneys collected from said district under the provisions of this Act, which amount shall be expended wholly within the boundaries of said road district upon the roads thereof, and must not in any case be put to any other use or purpose. The remaining one-half of all moneys so collected shall belong to the general road fund of the county to be expended under the direction of the county commissioners and the county surveyor in the opening of new roads, the making of cuts and grades in any particular road district, the building and repairing of bridges, or for work upon the roads of any road

district in which the amount apportioned thereto shall not be sufficient for the needs of such roads."

Amend by striking out in line 6, the words and figures "Section 3, that," and to number the remaining Sections one unit lower.

Amend Section 6 by striking out in line 39 the word "and," and inserting in lieu thereof the word "or."

Amend Section 6 by striking out in line 49 the words "within ten days meet and," and inserting in lieu thereof the words "at their next regular meeting."

Amend Section 17 by inserting in line 143, after the word "day," the following: "for the number of days actually worked in the performance of their duty."

Report adopted.

The House adjourned at 6:05 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FORTY-SIXTH DAY

Thursday, February 21, 1907.

House met pursuant to adjournment at 11 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, Fischer, Kirwan, Leighton, Longstaff, and Wilham.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Wednesday, February 20, and believe the same to be correct.

Report adopted.

The following was read:

"By unanimous consent Mr. Speaker instructed the Chief Clerk to correct Journal of Monday, the 18th inst. wherein the same shows that Senate Bill No. 8 was amended in the House by changing, in Section 1, the words "twenty-four" to "forty-eight;" and to show that the same was not amended in that respect.

"In compliance with the above, the records of the House proceedings for Monday, February 18th, have been corrected by striking out the following from the report of the Committee of the Whole on Senate Bill No. 8:

"Amend Section 1, lines 8 and 9, by striking out "Twenty-four hours" and inserting in lieu thereof "Forty-eight hours."

E. W. KING, Speaker."

Motion by Weed that the action of the Speaker be approved. Carried unanimously.

NOTICES OF BILLS.

By McManus. A Bill which shall be known as the "No Treat Law"

wherein intoxicating liquor of any kind shall be presented or offered to any party, either male or female, for any consideration of friendship pleasure, or in any way asking any one to join or partake of the same.

REPORTS OF STANDING COMMITTEES.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 21, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 310, entitled "A Bill for an Act entitled "An Act prescribing certain conditions to be complied with by all persons transacting business within the State of Montana under a fictitious name or designation, not showing the name or names of persons interested," recommend the original bill be indefinitely postponed; and that a substitute therefor, which is herewith presented, do pass.

Report adopted.

Also:

Helena, Montana, February 21, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 25, entitled "A Bill for an Act to amend Chapter XXXII of the Laws of 1903, relating to annual reports of corporations," recommend that the title thereof be amended by inserting therein, after the word "amend" the words "Section 451 of the Civil Code as amended by."

Also amend the body of said bill by inserting in line 9 of Section 1, after the word "in," the following words "and the amount thereof actually paid in cash and the amount issued, if any, in payment of property purchased."

Also amend by inserting after the word "debts" in line 10, and before the period the words "and also the names and addresses of the directors or trustees and of the president, vice-president, general manager and secretary of the corporation."

Also on page 2 amend by striking out the words "Section 451a."

As thus amended the said bill be concurred in.

Report adopted.

Also:

Helena, Montana, February 21, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 77, entitled "A Bill for an Act entitled "An Act to amend Section 397 and 1503 of the Code of Civil Procedure, relating to appearances in all courts of the State," recommend that the said bill be not concurred in.

Report adopted.

Also:

Helena, Montana, February 21, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 369, entitled "A Bill for an Act to amend Section 10, Article 2, Chapter 106, of the Laws of 1905, and providing when the fee of lands necessary to be taken for drains shall vest," recommend that the bill be amended

by striking out the words "tendered or secured to the persons entitled thereto as hereinafter provided" at the end of said bill, and inserting in lieu thereof the following: "deposited in court for the person or persons entitled thereto; and provided further, that a final order of condemnation be made and entered in the case."

That as so amended the said bill do pass.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 21st day of February, 1907:

Substitute for House Bill No. 47. "An Act prohibiting any state officer, state board of trustees, state managers, or commissioners from contracting any liability or indebtedness for any purpose whatever, in excess of the amount appropriated for the office, institution or commission, or organization under his or their control or management, without the previous authority of the State Board of Capital Examiners."

House Bill No. 134. "An Act to allow traveling expenses of county superintendents of schools."

Mr. Speaker announced that he was about to sign Substitute for House Bill No. 47 and House Bill No. 134, and signed the same in the presence of the House.

Bennett, from the Committee on Appropriations, reported as follows:

February 21, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 372, A Bill for an Act entitled, "An Act appropriating the sum of Fifty Thousand Dollars, or so much thereof as may be necessary, for the payment of salaries and other necessary expenses of the State Railroad and Warehouse Commission and its employees," have had same under consideration and recommend that it be indefinitely postponed, for the reason that House Bill No. 1 provides for the same.

Report adopted.

Also:

February 21, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 336, A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of Powell County against the State of Montana on account of money expended in prosecuting an inmate of the State Prison," have had same under consideration and recommendation that it be passed.

Report adopted.

Beckwith, from the Committee on Federal Relations, having under consideration Joint Memorial No. 7, recommend the same for passage as amended, as follows:

Amend by inserting, in line 9, on page 3, after the word "case-" the following:

"And further, the lands withdrawn temporarily from settlement or in-

cluded in forest reserves, be examined as speedily as possible, and all agricultural lands be segregated and again opened to entry without delay."

Report adopted.

Brownlee, from the Committee on Townships and Counties, reported as follows:

February 21, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, having had under consideration House Bill No. 33, being a Bill for an Act entitled "An Act relating to number of deputies allowed county auditors in counties of the first class and fixing compensation of same," and whereas House Bill No. 157 has been recommended for passage, which bill covers everything contained in House Bill No. 33, therefore, your Committee reports House Bill No. 33 with recommendation that it be indefinitely postponed.

Report adopted.

Also:

Feb. 19, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 264, introduced by Wilder, being a Bill for an Act entitled "An Act to amend Section 3780 of the Political Code, relating to county boards of equalization, beg leave to report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:

Helena, Montana, February 20, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 205, introduced by Macaulay, and House Bill No. 143, introduced by Whiteside, A Bill for an Act entitled, "An Act to create a commission to be known as the Montana State Fish Commission, naming the State Game Warden, as a member of said Commission, and providing for the appointment of two other members of said Commission by the Governor, fixing the duties and compensation of said Commission, and authorizing them to locate, construct, and equip a State Fish Hatchery; to regulate the distribution of the product of said Hatchery, and to appropriate money from the Game and Fish Fund, for all of said purposes."

Both bills being practically alike we recommend that House Bill No. 205 be indefinitely postponed and that Macaulay's name be added to House Bill No. 143, and report same back with the recommendation that it be printed.

On motion of Wendel, report was adopted and House Bill No. 143 placed on general orders.

Bennett, from the Committee on Appropriations, reported as follows:

February 21, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 301, A Bill for an Act entitled: "An Act appropriating money for the payment

of the claim of certain sheriffs of the State of Montana for expenses incurred in transporting prisoners to the penitentiary during the years 1905 and 1906," having had same under consideration, recommend that it be passed with the following amendments:

Amend Section 1 by changing the amount Eight Thousand, Two Hundred Sixty-five Dollars and Five Cents (\$8265.05) to read Eight Thousand Eight Hundred and Seventy-nine Dollars and Twenty Cents (\$8,879.20); the amount Eight Hundred and Fifty Dollars (\$850.00) opposite the name of O. P. Gregg, to read One Thousand, Three Hundred and Seventy-two Dollars and Forty Cents (\$1,372.40); the amount Four Hundred Dollars (\$400.00) opposite the name of W. E. Savage, be changed to read Four Hundred Ninety-one Dollars and Seventy-five Cents (\$491.75)."

Report adopted.

By unanimous consent House Bills 391, 392, 393, 394, 395, and 396 were introduced.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Morgan, H. B. No. 391. A Bill for an Act providing for temporary floors and safe protection in buildings during the erection thereof, for the protection of the persons working thereon.

By Bennett, H. B. No. 392. A Bill for an Act entitled An Act concerning notaries public who are stockholders, directors, officers or employees of banks or other corporations.

By Gray, H. B. No. 393. A Bill for an Act entitled, "An Act to provide for the distribution to and among the various counties entitled thereto of the money derived from forest reserves in the State of Montana, under an Act of Congress approved June 30th, 1906."

By Thompson of Sanders, H. B. No. 394. A Bill for an Act to provide for the payment of bounties for the killing of certain birds of prey and appropriating money for the payment thereof and also prescribing penalties for making false claims..

By Thompson of Sanders, H. B. No. 395. A Bill for an Act providing for a license on dogs and prescribing penalties.

By Root, H. B. No. 396. A Bill for an Act entitled An Act making it unlawful for any person owning or having sheep in charge to herd or permit the same to be herded on the land or possessory claims of other persons, or to herd the same or permit the same to be herded or grazed within two miles of the dwelling house of the owner of any land or possessory claim.

On motion by Miller of Park, the rules were suspended and the following Resolution was considered and placed on its final passage:

By Miller of Park, by request, H. J. R. No. 9:

"Whereas, the Rocky Mountain Bell Telephone Company and its employees have disagreed upon the question of wages, resulting in a complete cessation of telephone service in this community; and

"Whereas, the State of Montana pays to said Company a large sum quarterly for telephone service in the State House, under contract, and said contract is now and has for the past four days been entirely ignored by the

Telephone Company causing loss and great inconvenience to every department of the State Government; and

Whereas, the said Company is alleged to have refused each and every request of its employees for living wages, or to submit the question to impartial arbitration, and is further alleged to be making no effort to arrive at a settlement of the difficulty and a resumption of its service:

THEREFORE BE IT RESOLVED: That the Speaker be and is hereby authorized to appoint a Committee of Three to act with a like Committee from the Senate to thoroughly investigate every feature of this difficulty and to report its findings to Legislature at as early a date as possible."

House Joint Resolution No. 9, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Rosa, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Weed, Wendel, Wilder, Mr. Speaker.—63.

Noes.—Selway.—1.

Absent and not voting.—Barbour, Cato, Fischer, Kirwan, Leighton, Longstaff, Towers, Whiteside and Wilham.—9.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 384, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 385, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 386, read first and second times in full, and referred to Committee on Fairs and Expositions.

H. B. No. 387, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 388, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 389, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 390, read first and second times in full, and referred to Committee on Judiciary.

H. B. No. 391, read first and second times by title only, and referred to Committee on Improvements and Manufacturing.

H. B. No. 392, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 393, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 394, read first and second times in full, and referred to Committee on Ways and Means.

H. B. No. 395, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 396, read first and second times by title only, and referred to Committee on Agriculture and Horticulture.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 20, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has this day concurred in House amendments to Senate Bills numbered 1, 15, 20 and 38, and the same have been referred to Enrolling Committee.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 20, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion in the Senate the House is herewith requested to return to the Senate H. B. No. 82 for correction.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 20, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House bills were introduced and read first and second times:

H. B. No. 81, by Gray. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 158, by Marshall. Referred to Committee on Finance and Claims.

H. B. No. 208, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 231, by McManus. Referred to Committee on Finance and Claims.

H. B. No. 320, by Committee on Appropriations. Referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 20, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced and read first and second times:

S. B. No. 109, by Donlan. A Bill for an Act entitled an Act to amend Section 4 of Substitute for Senate Bill No. 11, Session Laws of the Fifth Legislative Assembly of the State of Montana, relating to the salary of the Chief Clerk of the Bureau of Agriculture, Labor and Industry. Referred to Committee on Corporations other than Municipal.

S. B. No. 110, by Martien. A Bill for an Act entitled "An Act to prohibit the making or publishing of false or exaggerated statements of publi-

cations of or concerning the affairs, pecuniary condition or property of any corporation, Joint Stock association, co-partnership or individual which said statements or publications are intended to give or shall have a tendency to give, a less or greater apparent value to the shares, bonds or property, or any part thereof of said corporation, joint stock association, co-partnership or individual, than the said shares, bonds or property shall really and in fact possess, and providing a penalty therefor. Referred to Committee on Corporations other than Municipal.

S. B. No. 111, by Everett. A Bill for an Act entitled, "An Act relating to the bonds issued, in the State of Montana by foreign surety companies. Referred to Committee on Corporations other than Municipal.

S. B. No. 112, by McLean. A Bill for an Act to amend an Act approved March 6, 1903, entitled "An Act to amend Section 5117, Part IV, Title III, Chapter VIII, Article II, of the Political Code of the State of Montana, relating to the duties and authority of the trustees of townsites. Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 113, by Donlan. A Bill for an Act fixing the compensation and expenses of the State Game and Fish Warden, also the salary of clerk in the State Game and Fish Warden's office, and providing fees for deputy State game and fish wardens who are serving without salary. Referred to Committee on Fish and Game.

S. B. No. 114, by Miles (without notice). A Bill for an Act to amend Chapter XII of Title X of Part II of the Political Code, by adding thereto a section to be known as Section number 4027. Referred to Committee on Judiciary.

S. B. No. 115, by Miles. A Bill for an Act permitting residents and non-residents of Montana to fish without a license; permitting forestry officers to secure a resident's hunting license; providing for extra deputy game and fish wardens; designating the Secretary of State to furnish license blanks and providing additional duties for the State Game and Fish Warden. Referred to Committee on Fish and Game.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 20, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that S. C. R. No. 7, relating to the rescinding of the action of the President of the Senate and the Speaker of the House in signing S. B. No. 32, having this day been adopted by the Senate is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 20, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Judiciary, to whom was referred House Bills numbered 161 and 178, having recommended that they be not concurred in and their report

having been adopted by the Senate, the same are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 20, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate having refused to agree to House amendments to S. B. No. 8, the President has appointed Senators, Miles, White and Long as a conference committee to confer with a like committee from the House regarding the same.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 20, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate having refused to agree to the House amendments to S. B. No. 14, the President has appointed Senators Martien, Albright, and Donlan as a conference committee to confer with a like committee from the House regarding the same.

Respectfully,

H. K. HOWRY, Secretary.

THIRD READING OF HOUSE BILLS.

The following Senate amendment to House Bill No. 22 was read:

"Amend Section 1 by striking out the word "paid" after the word "established."

The above Senate amendment to H. B. No. 22 was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Manchester, Marshall, Maxwell, Miles, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.
—61.

Noes.—None.

Absent and not voting.—Barbour, Boorman, Cato, Corby, Fischer, Kirwan, Leighton, Logan, Longstaff, Miller of Lewis and Clark, O'Connor and Ross.—
12.

House Joint Memorial No. 1, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Griffin, Hess, Kirwan, Kroger, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Ma-

caulay, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Barbour, Cato, Corby, English, Fischer, Gray, Harbordt, Harden, Hyndman, Leighton, Logan, Longstaff, McDonald, O'Connor, Ross, Shaw, Wilham.—17.

On motion of Miller of Park, the House took a recess at 12:05 P. M. until 1:30 P. M.

AFTERNOON SESSION.

House reassembled at 1:30 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, February 21, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration Senate Bill No. 60, introduced by Annin, being a Bill entitled, A Bill for an Act concerning dependent and neglected children, and concerning the parents, guardians or other persons responsible for the custody, care, maintenance and support of such children, and their punishment for the neglect of such children," beg leave to respectfully recommend that the same be concurred in.

Report adopted.

Also:

Helena, Montana, February 21, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration Senate Bill No. 61, introduced by Annin, being a Bill entitled A Bill for an Act entitled: "An Act concerning delinquent children or delinquent juvenile persons; defining same and providing for their apprehension, custody and disposition; the jurisdiction of courts and proceedings therein, and concerning the parents, guardians, and other persons responsible for the custody, care, guidance, education and maintenance and control of such children, and providing for their punishment in cases of delinquency therein," beg leave to respectfully recommend that the same be concurred in.

Report adopted.

On motion by Whiteside, Senate Bills Nos. 60 and 61 were placed on general orders in place of House Bill No. 222.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 157, 192, 305, correctly engrossed.

On motion by Goff, the vote whereby the Committee report recommending the indefinite postponement of House Bill No. 264, was reconsidered.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under considera-

tion House Bill 378, introduced by O'Connor, being a Bill for an Act entitled An Act to amend Section 3498 of the Political Code as enacted by House Bill No. 45, approved March 1st, 1899, relating to the investment of the permanent school fund, and the permanent funds of state institutions of learning, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 376, introduced by Allen, being a Bill for an Act entitled An Act appropriating money from the general fund to be placed in the stock indemnity fund, beg leave to report same back with the recommendation that it do pass.

Report adopted.

Morris, from the Committee on Apportionment and Representation, reported as follows:

Mr. Speaker:

We, your Committee on Apportionment and Representation, having had under consideration Senate Bill No. 65, being a Bill for an Act entitled "An Act to provide for the apportionment of representatives among the various counties of Montana for representative purposes," beg leave to recommend that same be concurred in.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 363, entitled, "A Bill for an Act entitled An Act to amend Section 1, Subdivision 2, of Section 2, Subdivisions 4 and 6 of Section 15, of an Act entitled An Act to create the office of Meat and Milk Inspector for the State of Montana and prescribing their powers and duties and compensation therefor, and repealing all Acts and parts of Acts in conflict therewith," having had the same under consideration, respectfully report the same back with the recommendation that it do pass.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 21, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 387, A Bill appropriating money for expenses incurred by Committee appointed to investigate coal shortage, have had same under consideration and recommend that it be passed.

Report adopted.

Also:

Feb. 21, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No.

388, A Bill for an Act entitled: "An Act appropriating money for the payment of claim of S. A. D. Hahn, for services," have had same under consideration and recommend that it be passed.

Report adopted.

THIRD READING OF HOUSE BILLS.

H. J. M. No. 2, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Goff, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Boorman, Cato, Farmer, Fischer, Greene, Griffin, Kirwan, Leighton, Longstaff, Miles, Morris, McDonald, Root, Selway, Warren, Logan, Wilham.—17.

H. J. M. No. 4, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Gerber, Goff, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Brewster, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Boorman, Cato, Corby, English, Farmer, Fischer, Greene, Griffin, Kirwan, Leighton, Logan, Longstaff, McDonald, Root, Selway, Warren and Wilham.—17.

House Bill No. 228, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Bennetts of Silver Bow, Blewett, Brewster, Campbell, Cameron, Cummings, Cutler, Gerber, Goff, Gray, Harbordt, Hess, Hyndman, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morris, O'Connor, Patten, Potter, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Wilder and Mr. Speaker.—37.

Noes.—Allen, Beckwith, Blake, Brownlee, Burke, Cluston, Decker, Duncan, English, Greene, Harden, Kroger, Miles, Moore, Macaulay, Powers, Swindlehurst, Towers and Whiteside.—10.

Absent and not voting.—Bennett of Madison, Boorman, Cato, Corby, Farmer, Fischer, Griffin, Kirwan, Leighton, Logan, Longstaff, Morgan, McDonald, McManus, Root, Warren, Wilham.—17.

Title agreed to.

House Bill No. 323, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Goff, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Boorman, Brewster, Cameron, Cato, Corby, Farmer, Fischer, Greene, Griffin, Kirwan, Leighton, Longstaff, McDonald, Root, Tudor, Warren, and Wilham.—17.

Title agreed to.

House Bill No. 321, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, English, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker, and Miller of Park.—58.

Noes.—None.

Absent and not voting.—Barbour, Boorman, Cato, Corby, Duncan, Farmer, Fischer, Gerber, Kirwan, Leighton, Longstaff, McDonald, Root, Warren, and Wilham.—15.

Title agreed to.

House Bill No. 322, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Bennett of Madison, Boorman, Cato, Corby, Farmer, Fischer, Hess, Kirwan, Leighton, Longstaff, Root, Selway, Warren and Wilham.—14.

Title agreed to.

House Bill No. 162, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—56.

Noes.—Goff, Miller of Park, Morris and Potter.—4.

Absent and not voting.—Barbour, Bennett of Madison, Boorman, Cato, Corby, Farmer, Fischer, Kirwan, Leighton, Longstaff, Tudor, Warren, and Wilham.—13.

Title agreed to.

House Bill No. 192, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Gerber, Goff, Greene, Gray, Griffin, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Brewster, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—60.

Noes.—Harbordt and Morris.—2.

Absent and not voting.—Bennett of Madison, Boorman, Cato, Farmer, Fischer, Kirwan, Leighton, Longstaff, Tudor, Warren and Wilham.—11.

House Bill No. 157, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Barbour, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, and Mr. Speaker.—57.

Noes.—Miles, Whiteside and Wilder.—3.

Absent and not voting.—Bennett of Madison, Boorman, Cato, Campbell, Cutler, Fischer, Kirwan, Leighton, Longstaff, Seidler, Tudor, Warren, Wilham.—13.

Title agreed to.

House Bill No. 305, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell,

Miles, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Weed, Wendel, and Mr. Speaker.—53.

Noes.—English, Miller of Lewis and Clark, McDonald, Potter, Selway, and Wilder.—6.

Absent and not voting.—Boorman, Brewster, Cato, Cutler, Fischer, Gray, Kirwan, Leighton, Longstaff, Towers, Walker, Warren, Whiteside, and Wilham.—14.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Feb. 21, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 223 and 324 have been correctly printed.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 185 correctly engrossed.

The House resolved itself into a Committee of the Whole, for the consideration of general orders.

O'Connor in the chair.

House resumed.

Mr. Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 166, introduced by Cutler, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by adding thereto the following words: "and making provision for the protection of the creditors of the vendor."

Strike out in line 44, after the word "Section 4" all of said Section, and insert in lieu thereof the following: "A sale and transfer in bulk in contemplation of this Act, shall be deemed to be any sale or transfer of an entire stock of goods, wares or merchandise out of the usual or ordinary course of business, or trade of the vendor, or whenever substantially the entire business or trade theretofore conducted by the vendor, shall be sold or conveyed, or attempted to be sold or conveyed; provided, however, that if such vendor produces and delivers a written waiver of the provisions of this Act from his creditors as shown by such verified statements, then in that case, the provisions of this Act shall not apply."

Also having had under consideration House Bill No. 181, introduced by Moore, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 4, the words "each department" and inserting in lieu thereof the words "Law Librarian, Two Thousand Dollars, and Librarian of Historical Library, Eighteen Hundred Dollars."

Amend Section 3 by inserting after the word "payable" in line 16, the word "monthly."

Also having had under consideration House Bill No. 202, introduced by Whiteside, reports same back to the House with the recommendation that it do pass.

Report adopted.

Mr. Speaker announced that he was about to sign Senate Joint Resolution No. 1, Senate Bills Nos. 7, 1, 38 and 24, and signed the same in the presence of the House.

The House resolved itself into a Committee of the Whole, for the consideration of general orders.

O'Connor in the chair.

House resumed.

Mr. Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 267, introduced by Seidler, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 250, introduced by Committee on Mines and Mining, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 250, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass, as amended, as follows:

Amend Section 10 by striking out in line 72 the words "certified to be" and inserting in lieu thereof the words "verified under oath by."

Amend Section 11 by inserting the word "coal" between the word "any" and "mine."

Amend Section 13, by striking out in line 112 the word "contain" and inserting in lieu thereof the word "obtain."

Also having had under consideration House Bill No. 204, introduced by Blewett, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 221, introduced by Corby, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 226, introduced by Weed, reports same back to the House with the recommendation that it do pass, as amended, as follows:

Amend by making the word "association" in line 3, Section 1, Subdivision 1, read "associations."

Amend Section 1, by inserting after the word "person" in line 16, of Subdivision 2, the following: "company or corporation;" also by striking out the semi-colon after the word Auditor in line 22 of the same Section.

Amend Section 2, line 47, by striking out the semi-colon after the word "additional."

Amend Section 6 by striking out the words "in amount thereto" in line

94. and inserting in lieu thereof the words "to the amount required of capital stock companies."

Amend Section 10, by striking out the words "seat of government" and inserting "capital city," in line 156.

Amend Section 13, by inserting after the word "company," in line 204, the following: "organized in this state."

Amend Section 14, by striking out in line 223, the words "authorized to do business" and inserting in lieu thereof the following: "organized in this state."

Amend Section 15 by inserting after the word "association," in line 228, the words "organized in this state and."

Amend Section 16, by inserting after the word "corporation" in line 248, the words "organized and doing business in this state."

Also having had under consideration House Bill No. 146, introduced by Weed, reports same back to the House with the recommendation that it do pass as amended, as follows:

Strike out Section 3.

Amend Section 3, as re-numbered, by inserting after the word "upon" the words "investigation by him the offending party being notified and given an opportunity to appear and defend said Auditor after such investigation."

Also having had under consideration House Bill No. 149, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 212, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 121, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 246, introduced by Hess, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 176, introduced by Blake, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 272, introduced by Moore, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 9 by adding thereto the following words: "Such annotations shall state only the title of the case and the name, the number of volume and page of report containing such decisions."

Amend Section 12 by striking out in line 70 the word "January" and inserting in lieu thereof the word "April."

Report adopted.

The House resolved itself into a Committee of the Whole, for the consideration of general orders.

O'Connor in the chair.

House resumed.

Mr. Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 277, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 271, introduced by Allen, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 241, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 2 the words "Two Thousand" and inserting in lieu thereof the words "Twenty-five Hundred."

Also having had under consideration House Bill No. 140, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 230, introduced by Duncan, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend by substituting Section 1 of House Bill No. 230 for Section 2 thereof, and by substituting Section 2 thereof for Section 1.

Amend the title by striking out the whole thereof, and inserting in lieu of the same, the following: "A Bill for an Act entitled An Act to amend Section 3865 of the Civil Code of the State of Montana, relating to the period of time for which mortgages of personal property shall be valid; and to amend Section 3866 of the Civil Code of the State of Montana relating to the renewal of mortgages of personal property as amended by Chapter IV, Laws of 1903, approved March 4th, 1903, and as amended by an Act of the Legislative Assembly of the State of Montana, approved February 28, 1905."

Report adopted.

REPORTS OF STANDING COMMITTEES.

Tudor, from the Committee on State Institutions, Public Buildings and Grounds, reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred Joint Resolution No. 8, recommends that it do pass.

Report adopted.

Greene, from the Committee on Agriculture and Horticulture, reported as follows:

Mr. Speaker:

Your Committee on Agriculture and Horticulture, to which was referred House Bill No. 220, A Bill for an Act entitled "An Act to amend Section 1 of Chapter 37, of the Session Laws of 1905, being an Act entitled 'An Act to define lawful fences and to repeal Section 3250 of the Political Code, and an Act approved March 16, 1901, entitled "An Act to amend Section 3250, Chapter 13, Title 7, Part 3, of the Political Code of the State of Montana, approved February 27, 1905,"' having had the same under consideration, respectfully

report the same back with the recommendation that it be indefinitely postponed.

Report adopted.

INTRODUCTION OF BILLS.

By unanimous consent, the following bills were introduced:

By Marshall, H. B. No. 397. A Bill for an Act to amend Chapter XII, of Title X, of Part III, of the Political Code by adding thereto a Section to be known as Section Number 4027.

By McManus, H. B. No. 398. A Bill for an Act entitled "An Act to be known as the "no treat" law to prevent the contamination or other evil influence of the treat habit."

By Morris, H. B. No. 399. A Bill for an Act entitled, "An Act to provide for the sale of all lands acquired by the State of Montana, under and by virtue of the provisions of Chapter 118, Session Laws of 1903."

By Thompson of Fergus, H. B. No. 400. A Bill for an Act to repeal Sections 4073 and 4076 of the Political Code of the State of Montana, relating to licenses and to repeal Section 4075 of the Political Code of the State of Montana, as amended by the Act approved March 6th, 1897, relating to licenses.

On motion by Bennett, the House adjourned at 5:45 P. M. to meet tomorrow at 11 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FORTY-SEVENTH DAY

Friday, February 22, 1907.

House met pursuant to adjournment at 11 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called. All members found present except Barbour, Blewett, Boorman, Cato, Fischer, Harden, Kirwan, Morris, Powers, Warren and Wilham.

JOINT SESSION.

The Honorable Senate presented itself at the bar of the House at 11:10 A. M. and was duly admitted.

President Norris in the chair.

Prayer by Chaplain of the House.

Hon. E. D. Weed then read to the Joint Assembly Washington's Farewell Address.

Appropriate remarks were then delivered to the Assembly by Representative Miller of Park and Senator Long.

After benediction by House Chaplain, the Joint Assembly was dissolved and the Honorable Senate retired from the House.

House resumed.

Mr. Speaker in the chair.

On motion of Marshall, the House took a recess at 12:15 P. M. until 1:30 P. M.

AFTERNOON SESSION.

House reassembled at 1:30 P. M.

Mr. Speaker in the chair.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Thursday, February 21, and believe the same to be correct.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 22, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 313, Sub. for 281, 179, 325, 252, 135, 318, 268, 309 and 319, have been correctly printed.

Substitute for H. B. No. 281 and House Bills 313, 179, 325, 252, 135, 318, 268, 309 and 319 referred to general orders.

On motion by Bennett, further consideration of House Bill No. 68 was indefinitely postponed.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 166, 146, 202, 80, 153, correctly engrossed.

Miller of Lewis and Clark, from the Committee on Employees, reported as follows:

Helena, Montana, February 22, 1907.

Mr. Speaker:

Your Committee on Employees would respectfully report that in view of the fact that Chief Clerk Godfrey has signified his intention to resign at an early date, and to offer to serve for the remainder of the session as Supervisory Clerk, without compensation, now asks the appointment of J. W. Scott as reading Clerk, the Committee recommends that the appointment be made.

Report adopted.

On motion by Bennett, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 40, introduced by Romney, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 60, introduced by Annin, reports same back to the House with the recommendation that it be made a special order for Tuesday, February 26th, at 2 P. M.

Also having had under consideration Senate Bill No. 61, introduced by Annin, reports same back to the House with the recommendation that it be made a special order for Tuesday, February 26th, at 2 P. M.

Also having had under consideration House Bill No. 186, introduced by Hess, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 233, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 168, introduced by Seidler, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 128, introduced by Corby and Seidler, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 304, introduced by Seidler, reports same back to the House with the recommendation that it do pass, as amended, as follows:

Amend Section 1 by inserting after the word "attorney" in line 11, the words "in fact;" and after the word "attorney" in line 13, the words "in fact;" and strike out the word "any" in line 14 and insert in lieu thereof the word "and."

Also having had under consideration House Bill No. 225, introduced by Prewster, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 285, introduced by Gerber, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by adding the following words: "Provided that no contract shall be let, extending over a period of three years or more, without first submitting the question to a vote of the resident tax-payers of such city or town."

Also having had under consideration House Bill No. 242, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 131, introduced by Gray, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by inserting the word "all" before the word "assignments."

Amend Section 2 by striking out in line 7 the words "so" and "mortgages," and substituting for the word "mortgages" the word "mortgagee" and inserting the word "that" after the word "obligation."

Amend Section 3 by striking out in line 16 the word "any" where it first appears in said line, and inserting in lieu thereof the word "every."

Amend Section 4 by striking out in lines 30, 31 and 32, the following: "and all interest due or to become due under or by the terms of said in-

struments and evidence of indebtedness shall be uncollectable and unenforceable."

Amend Section 6 by striking out in line 34 the words "from and after its passage and approval" and substituting therefor the words "from and after June 1, 1907."

Also having had under consideration House Bill No. 88, introduced by Macaulay, reports same back to the House with the recommendation that it be re-referred to Judiciary Committee.

Also having had under consideration House Bill No. 253, introduced by Bennett, reports same back to the House with the recommendation that it do pass.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 22, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill 248 has been correctly printed.

Motion by Miller of Park, that when the House adjourn, it adjourn until to-morrow at 10:30 A. M. Motion carried.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President has this day appointed Senators Donlan, McCarthy and McDonnell to act with a like committee from the House in carrying out the provisions of S. C. R. No. 8, relating to the appointments of a Joint Committee to investigate the State Penitentiary.

Respectfully,

H. K. HOWRY, Secretary.

Mr. Speaker:

Helena, Montana, Feb. 21, 1907.

I am directed by the Senate to inform your Honorable Body that S. C. R. No. 9, relating to the appointment of a Committee to investigate the State Penitentiary was this day introduced and adopted by the Senate and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

On motion by Shaw, the rules were suspended and Senate Concurrent Resolution No. 8 was taken up at this time.

Roll was then called and Senate Concurrent Resolution No. 8 was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blake, Campbell, Cameron, Cutler, Corby, Cluston, Duncan, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hess, Kroger, Logan, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Morgan, McDonald, Macaulay, Root, Seidler, Shaw, Swindlehurst, Tudor, Walker, Weed, Wendel, Whiteside, and Mr. Speaker.—36.

Noes.—Allen, Bennett of Madison, Brewster, Brownlee, Burke, Cummings,

Decker, English, Leighton, Longstaff, Miller of Park, McManus, O'Connor, Potter, Powers, Ross, Scallon, Selway, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, and Wilder.—23.

Absent and not voting.—Blewett, Boorman, Cato, Farmer, Fischer, Gray, Hyndman, Kirwan, Marshall, Moore, Morris, Patten, Warren and Wilham.—14.

Mr. Speaker appointed on Committee to visit the Penitentiary, Tudor, Corby and Swindlehurst.

On motion by McManus, House Bill No. 177 was indefinitely postponed.

The House resolved itself into a Committee of the Whole for the consideration of general orders.

Thompson of Fergus in the chair.

House resumed.

Mr. Speaker in the chair.

Thompson of Fergus, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 276, introduced by Burke, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 219, introduced by Duncan, reports same back to the House with the recommendation that it be re-referred to Judiciary Committee.

Report adopted.

The House resolved itself into a Committee of the Whole, for the consideration of general orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 199, introduced by Committee on Live Stock and Public Ranges, reports same back to the House with the recommendation that it be indefinitely postponed.

Also having had under consideration House Bill No. 96, introduced by Whiteside, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 160, introduced by Wendel, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out all of sub-section 2 (lines 13 to 20 inclusive).

Also having had under consideration House Bill No. 183, introduced by Cummings, reports same back to the House with the recommendation that it do pass.

Report adopted.

On motion of McManus, the House adjourned at 4:40 P. M..

NATHAN GODFREY, Chief Clerk.

E. W. KING, Speaker.

FORTY-EIGHTH DAY

Saturday, February 23, 1907.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Barbour, Blake, Blewett, Boorman, Brownlee, Campbell, Cato, Corby, English, Fischer, Harden, Leighton, Logan, Maxwell, Morris, McDonald, McManus, Powers, Selway, Towers, Tudor, and Wilham. Boorman, Cato, Corby, Fischer, and Tudor excused.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Friday, February 22, and believe the same to be correct. Report adopted.

On motion by Bennett, Mr. Speaker appointed O'Connor, Whiteside and Cummings, as a Committee of Three to draft resolution of condolence to Representative Cato, regarding the death of his son.

On motion by Bennett, House Bill No. 22 was withdrawn from Enrolling Committee for the purpose of correcting the title.

REPORTS OF STANDING COMMITTEES.

Greene, from the Committee on Agriculture and Horticulture, reported as follows:

Mr. Speaker:

Your Committee on Agriculture and Horticulture, to which was referred House Bill No. 361, A bill for an Act entitled, "An Act entitled an Act for levy of a special tax of fruit trees, and how it shall be collected and disbursed, and to be known as the "Horticultural Fund," having had the same under consideration, respectfully report the same back with the recommendation that its further consideration be indefinitely postponed.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Agriculture and Horticulture, to which was referred House Bill No. 362, A Bill for an Act entitled, "An Act to amend Section 9 of an Act to create the Montana State Board of Horticulture, to prescribe its duties and powers and to appropriate the money therefor," approved February 17th, 1899; and as amended by the Act of March 14th, 1901; and as amended by the Act of March 6th, 1903; and as amended by the Act of March 3rd, 1903." having had the same under consideration respectfully report back with the recommendation that its further consideration be indefinitely postponed.

Report adopted.

Towers, from the Committee on State Lands, reported as follows:

Mr. Speaker:

Your Committee on State Lands, having had under consideration House Bill No. 365, introduced by Decker, A Bill for an Act entitled: "An Act authorizing and empowering the Carey Land Board to secure cancellation of bonds issued for the reclamation of arid lands, under the Carey Congressional Act, and accept bonds in payment for canals, water-rights, lands and appurtenances, and execute deeds therefor, and to compromise claims, and make contracts for the reclamation and settlement of said arid lands," report same back with the recommendation that it do pass.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:

Helena, Montana, February 22, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 329, A Bill for an Act providing an open and closed season for the killing of deer, report the same back to the House with the recommendation that it be printed and placed on General Orders.

Report adopted.

Also:

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 8, A Bill for an Act to amend Section 4 of "An Act to repeal Sections 15, 19, 20, 21, 22, 23, of an Act entitled An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114, of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens, and Special Deputy Game and Fish Wardens and defining their powers and duties and providing for their compensation, approved March 18th, 1901, and to provide for the licensing of resident and non-resident sportsmen and hunters, to fix the price on shipping permits; to furnish the State Game and Fish Warden with a clerk; to classify packers as guides; to provide for the disposition of moneys in the Fish and Game Fund; and to provide penalties for the violation of the provisions of this Act," which became a law without the Governor's approval on March 2nd, 1905, by lapse of time, and to provide that all bona fide residents of this State may fish in the streams thereof without first obtaining a license therefor, report the same back to the House with the recommendation that it be indefinitely postponed.

Motion by Cluston that report be adopted.

Substitute motion by Duncan, that the bill be received and printed and placed on general orders.

Roll was called on Substitute motion, and the same carried by the following vote:

Ayes.—Beckwith, Bengett of Madison, Bennetts of Silver Bow, Brewster, Cameron, Cummings Cutler, Decker, Duncan, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Manchester, Miles, Miller of Park, Moore, O'Connor,

Patten, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Whiteside and Wilder.—31.

Noes.—Allen, Burke, Cluston, Farmer, Gerber, Greene, Kirwan, Longstaff, Marshall, Miller of Lewis and Clark, Morgan, Macaulay, Potter, Root, Ross, Seidler, Mr. Speaker.—17.

Absent and not voting.—Barbour, Blake, Blewett, Boorman, Brownlee, Campbell, Cato, Corby, English, Fischer, Harden, Leighton, Logan, Maxwell, Morris, McDonald, McManus, Powers, Selway, Towers, Tudor, Warren, Weed, Wendel, and Wilham.—25.

Ross, from the Committee on Labor, reported as follows:

Helena, Montana, Feb. 23, 1907.

Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 360, introduced by Warren by request, being a Bill for an Act entitled, "An Act regulating the hours of labor in State Institutions", beg leave to recommend that the same do pass.

Report adopted.

Hyndman, from the Committee on Fairs and Expositions, reported as follows:

Helena, Montana, February 23, 1907.

Mr. Speaker:

Your Committee on Fairs and Expositions, having had under consideration House Bill No. 386, A Bill for an Act entitled, "An Act creating a commission to provide for the display of the resources of Montana at the Alaska-Yukon-Pacific Exposition at Seattle, Washington, in 1909; to define its duties and powers, and to make an appropriation therefor", report the same back to the House with the recommendation that it do pass.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 22, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 384, A Bill for an Act entitled: "An Act appropriating money for the payment of the claim of L. B. Stark for \$160.00 erroneously paid the State by him under a void lease of state lands", have had the same under consideration and recommend that it be indefinitely postponed.

Report adopted.

Also:

Feb. 22, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 350, A Bill for an Act entitled: "An Act to appropriate the sum of Three Hundred and Seventy-five Dollars (\$375.00), to pay Dr. George H. Putney for services as Meat and Milk Inspector for Missoula County, for the months of December, 1904, and January and February, 1905", have had the same under consideration and recommend that same be passed."

Report adopted.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 22, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 195, entitled "A Bill for an Act entitled An Act to amend Section 1000 of the Civil Code of the State of Montana, as amended by an Act of the Ninth Legislative Assembly of Montana, approved March 2nd, 1905", recommend that said bill be amended as follows:

Strike out the words "all acts and parts of acts in conflict herewith are hereby repealed"—and insert in lieu thereof the following: "This act shall take effect and be in force from and after its passage and approval."

And that as so amended the said bill do pass.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit Substitute for House Bill No. 176, 181, 277, 271, 259, 272, 267, 140, 250, 230, 221, 241, 204, 149, correctly engrossed.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 139, A Bill for an Act entitled, "An Act to compel corporations, associations or persons operating railways or railroads in the State to furnish cars and power to move shipments of property in car load lots; to provide for the recovery of penalties and damages for failure so to do; and to prevent discrimination against shippers in furnishing cars and power to move their property", having had the same under consideration, report the same back with the recommendation that the further consideration thereof be indefinitely postponed.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 312, A Bill for an Act to amend Section 654 of the Political Code of the State of Montana, relating to the sale of poisons, having had the same under consideration, respectfully reports the same back with the recommendation that it do pass.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 316, introduced by Whiteside, being a Bill for an Act entitled, an Act to require corporations doing business in the State of Montana to pay an annual license fee, and House Bill No. 311, introduced by Whiteside, being a Bill for an Act entitled an Act to provide additional revenue for state purposes and to assess certain corporations on their gross earnings, therefor, beg leave to report the same back to the House with the recommendation

that they be indefinitely postponed, and introduce a substitute therefor with the recommendation that said substitute do pass.

Motion by Allen that report be adopted.

Amended motion by Whiteside, that House Bills Nos. 316 and 311 be ordered printed.

Amended motion carried, and bills ordered printed.

Motion by Allen, that report of Committee as to Substitute for House Bills Nos. 316 and 311 be adopted. Motion carried.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 389, introduced by Morris, being a Bill for an Act entitled, An Act relating to the licensing of peddlers and canvassers of agricultural and domestic implements and machinery and other articles and to repeal Chapter LVI, of the Laws of 1903, relating to the same, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 294, A Bill for an Act entitled "An Act relating to the confiscation by a railroad or railway company or common carrier of any coal or other merchandise, and to provide penalties for the violation of the provisions of this Act", having had the same under consideration, respectfully report the same back with the recommendation that it be indefinitely postponed.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 393, introduced by Gray, being a Bill for an Act entitled An Act for the distribution to and among the various counties entitled thereto of the money derived from forest reserves in the State of Montana, under an Act of Congress approved June 30th, 1906, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 394, introduced by Thompson, being a Bill for an Act entitled, An Act to provide for the payment of certain bounties for the killing of certain birds of prey and appropriating money for the payment thereof and also prescribing penalties for making false claims, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

On motion of Wendel, House Bill No. 160 was recalled from the En-

grossing Committee and ordered placed on general orders for the purpose of correcting the title.

Goff asked permission to introduce a bill. Motion by Miller of Park that bill be introduced. Carried by two-thirds vote.

O'Connor was given premission by two-thirds vote to introduce a Bill.

Griffin was given permission by two-thirds vote to introduce a Bill.

NOTICES OF BILLS.

By Miller of Lewis and Clark. A Bill for an Act requiring city officials, and school trustees, in cities of the first class, to file with the clerk of the district, bonds for the faithful performance of duty.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Griffin, H. B. No. 401. A Bill for an Act entitled "An Act to prescribe the hours of labor for prison guards employed at the State Prison, and providing penalties for the violation thereof.

By Goff, H. B. No. 402. A Bill for an Act appropriating money for the repairing of the roof of the State Arsenal at Helena, Montana.

By O'Connor, H. B. No. 403. A Bill for an Act entitled "An Act to protect the traveling public from being compelled to eat adulterated food stuffs served at hotels, restaurants and boarding houses in the State of Montana, without having due notice thereof."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 397, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 398, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 399, read first and second times by title only, and referred to Committee on State Lands.

H. B. No. 400, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 401, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 402, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 403, read first and second times by title only, and referred to Committee on Sanitary Affairs.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Committee of the whole, having recommended that H. B. No. 34 be not concurred in and their report having been adopted by the Senate, the same is herewith returned.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that H. B. No. 122, having this day been read third time and not concurred in by the Senate, is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 22, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the following bills and memorials were this day introduced and read first and second times by title only:

H. J. M. No. 4, by O'Connor. Referred to Committee on Public Lands.

H. B. No. 157, by Walker. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 162, by Allen. Referred to Committee on Finance and Claims.

H. B. No. 192, by Campbell. Referred to Committee on Judiciary.

H. B. No. 305, by Marshall. Referred to Committee on Judiciary.

H. J. M. No. 1, by Patten. Referred to Committee on Federal Relations.

H. J. M. No. 2, by Allen. Referred to Committee on Judiciary.

H. B. No. 228, by Miller of Park. Referred to Committee on Judiciary.

H. B. No. 321, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 322, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 323, by Committee on Appropriations. Referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate having voted to re-consider its action on H. B. No. 161, it has requested that the House return the same to the Senate.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 22, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Committee on Finance and Claims, to whom was referred H. B. No. 209, having recommended that it be not concurred in, and their report having been adopted by the Senate, the same is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Mr. Speaker:

Helena, Montana, February 22, 1907.

I am directed by the Senate to inform your Honorable body that the following bills have been this day introduced and read first and second times by title only:

S. B. No. 123, by Rae, without previous notice. A Bill for an Act entitled "An Act to provide for the appointment of a clerk for the office of State Mine Inspector and State Coal Mine Inspector. Referred to Committee on Mines and Mining.

S. B. No. 124, by Committee on Finance and Claims. A Bill for an Act entitled "An Act to appropriate money to pay the owners of bonds heretofore issued the State Board of Land Commissioners under the name of the State University, State Normal School, Agricultural College, and Deaf and Dumb School of the State of Montana, an amount equal to the interest due and accruing to said bonds and maturing on or before January 1, 1901, and to authorize the State Board of Examiners to call in said bonds in the order of their issuance and to pay and cancel the same, and to appropriate money for such purposes. Referred to Committee on Public Buildings.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that H. B. No. 164 and 35 having been read third time and concurred in as amended in the Senate, are herewith returned to the House for its concurrence in the Senate amendments.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bills numbered 66, 78, 84, 74, 81, 90, 94, 96, 98, 69, Sub. for S. B. No. 68 and S. J. R. No. 3, have this day been read third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the House Bills numbered 35, 123, 132, 167, 174, 197, 206, 207, 210, 213, 217, 232, 234, 235, 236, and 237, having been this day read third time and concurred in are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that following nominations by His Excellency, the Governor, were this day approved and confirmed by the Senate:

Thomas E Hammond, in lieu of David McGillivray, withdrawn, to be Sheep Commissioner for Rosebud County.

Massena Bullard, Norman Holter, A. I. Loeb and J. M. Boardman, of

Lewis and Clark County, and David Hilger of Fergus County, as members of the Board of Trustees of the Miscellaneous Division of the State Historical Society.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 21, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has this day concurred in House amendments to S. B. No. 21, and the same has been referred to Committee on Enrolled Bills.

Respectfully,

H. K. HOWRY, Secretary.

Mr. Speaker:

Helena, Montana, Feb. 21, 1907.

I am directed by the Senate to inform your Honorable body that the following bills were introduced and read first and second times:

S. B. No. 116, by Donlan. A Bill for an Act entitled "An Act to provide for a State Board of Water, Light, Telephone and Telegraph Commissioners, and defining their powers and duties, providing penalties and appropriating money for the said board. Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 117, by White. A Bill for an Act entitled "An Act to prohibit the use of Trust Company and Savings Bank Titles unless the company causing such title is incorporated under the Trust Deposit and Security and Savings Bank Corporation Laws of Montana. Referred to Judiciary Committee.

S. B. No. 118, by White. A Bill for an Act entitled "An Act to amend Section 472 of the Civil Code of Montana, relating to corporations. Referred to Committee on Judiciary.

S. B. No. 119, by White. A bill for an Act appropriating money for the payment of the principal and interest on all outstanding bonds of the educational institutions of the State of Montana. Referred to Committee on Finance and Claims.

S. B. No. 120, by White. A Bill for an Act to amend Section 601 of the Code of Civil Procedure of Montana, relating to liability of stockholders. Referred to Committee on Judiciary.

S. B. No. 121, by White. A Bill for an Act entitled "An Act concerning Notaries Public who are stockholders, directors, officers or employees of banks or other corporations. Referred to Committee on Judiciary.

S. B. No. 122, by White. A Bill for an Act entitled "An Act prescribing the conditions upon which foreign corporations or joint stock companies may carry on the business of banking in the State of Montana; regulating them, and providing penalties and punishments for violations of its provisions and repealing 'An Act regulating foreign corporations, and joint stock companies doing a banking business within the State of Montana, and prescribing penalties and punishments for violations of the provisions thereof' approved March 7, 1905." Referred to Committee on Judiciary.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 22, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that H. J. R. No. 9, having on motion in the Senate been laid on the table, the same is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

On Motion by Bennett, House Bill No. 22, having been returned from enrolling committee, was placed on third reading.

Motion by Marshall, that the title of House Bill No. 22 be amended by striking therefrom the word "paid" where the same appears in said title, Amendment adopted.

The following Senate amendments to H. B. No. 164 were read:

Amend the title by inserting the figures 846 in place of 842.

Amend by striking out the words "Section 842" in Section One, and insert in place thereof the words "Section 840".

The above Senate amendments to House Bill No. 164 were concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brownlee, Burke, Cameron, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Potter, Root, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Walker, Weed, Wendel, Wilder, and Mr. Speaker.—47.

Noes.—McManus.—1.

Absent and not voting.—Blewett, Boorman, Brewster, Campbell, Cato, Corby, Cutler, English, Fischer, Harden, Kroger, Leighton, Logan, Maxwell, Morris, McDonald, Powers, Ross, Selway, Thompson of Fergus, Towers, Tudor, Warren, Whiteside, and Wilham.—25

The following amendments to House Bill No. 35 were read:

"Strike out all of Section one and insert in lieu thereof as follows:

"SECTION I. That Section I of said Act entitled "An Act to amend Section 32, Title I, Part I, Chapter IV, Code of Civil Procedure, which provided for an additional Judge for the Second Judicial District of the State of Montana", be and the same is hereby amended so as to read as follows:

Section I. That Section 32, Title I, Part I, Chapter IV, of the Code of Civil Procedure be amended so as to read as follows: Section 32. In each Judicial District there must be a Judge of the District Court, who must be elected by the qualified voters of the District, and whose term of office is four years. In the First District there must be one Judge and in the Second there must be three Judges, and in the fourth District there must be two Judges."

On motion of Weed, the amendments were referred to General Orders for Wednesday, February 27th, at 2 P. M.

Title of House Bill No. 22, having be amended by striking out the word "paid", the same was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Blake, Brewster,

Brownlee, Burke, Cameron, Cluston, Cummings, Cutler, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Wendel, Whiteside and Mr. Speaker.—49.

Noes.—None.

Absent and not voting.—Bennetts of Silver Bow, Blewett, Boorman, Campbell, Cato, Corby, Decker, English, Fischer, Harden, Logan, Maxwell Miller of Lewis and Clark, Morris, McDonald, Powers, Selway, Swindlehurst, Towers, Tudor, Warren, Weed, Wilder, and Wilham.—24.

On motion of Wendel, the house took a recess until 1:30 P. M.

AFTERNOON SESSION.

House reassembled at 1:30 P. M.

Mr. Speaker in the chair.

The following communication was read:

Helena, Montana, Feb. 23, 1907.

Hon. E. W. King, Speaker of the House of Representatives,

Tenth Legislative Assembly, Helena, Montana.

Dear Sir:—

Owing to certain legislation enacted by the Honorable body of which you are the presiding officer, I feel constrained to resign the office now held by me in said body, to-wit, the Chief Clerk thereof, and I beg that such resignation to be accepted to take effect on Tuesday, the 26th inst. In thus severing my connection with the House of Representatives, I take the occasion to thank it through you, and to express to each and all of the members thereof, my profound thanks and gratitude for the unfailing courtesies which I have received at their hands, and to express my gratitude for the high compliment and honor which they, and the Senate, have conferred upon me in designating me as one of the railway commissioners of this State, and I beg to assure you and them that in the discharge of the duties of said office, I will use the utmost ability and integrity of which I am capable.

I beg further to assure you that for the remainder of the session I shall be pleased to render such services as I may, without expense to the state.

With best wishes for the continued good health, prosperity and happiness of each and all of you, I am,

Yours respectfully,

NATHAN GODFREY.

Motion by Miller of Park, that the resignation be accepted with regrets, and that we express our appreciation of the efficient services rendered to the House by Mr. Godfrey. Motion carried.

REPORT OF STANDING COMMITTEE.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, Feb. 23, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 367, entitled "A Bill for an Act to amend Section 448 of the Civil Code

of the State of Montana, as amended by an Act entitled 'An Act to amend Section 448 of the Civil Code of the State of Montana, relating to the meetings of Stockholders and Board of Directors of corporations,' approved February 24th, 1899, relating to the meetings of stockholders and Board of Directors of corporations," recommend that said bill be amended as follows:

On the first page thereof, strike out the words "Section 2."

On the second page thereof, strike out after the words "director district" all of the remainder of said section, and insert in lieu thereof the following: "as may be fixed by the by-laws of said corporation."

Also further amend said bill by striking out all of Section 3.

Amend Section 4 by re-numbering the same as section 2.

That as so amended said bill do pass.

Report adopted.

Also:

Helena, Montana, February 23, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 347, entitled "A Bill for an Act entitled an Act to amend Section 4900 of the Political Code of the State of Montana, as amended by House Bill No. 203 of the Fifth Legislative Assembly of the State of Montana, approved March 8, 1897, and to amend Section 4814 of the Political Code of the State of Montana, relating to the legislative powers of cities and towns," recommend that the same be amended as follows:

Amend sub-division 19 thereof by striking out the words "gambling houses."

Amend sub-division 22 thereof by changing the period at the end thereof into a comma, and adding thereto the following: "and to prohibit and punish any person selling or offering for sale, or exposing for sale, or the keeping in possession with intent to sell, any of the articles hereinbefore mentioned, or any other article of food, drink, drug, or medicine, after the same has become tainted, decayed, spoiled, or otherwise unwholesome, or unfit for consumption, by reason of such condition; but these powers shall be subordinate to those of the State Board of Health."

Amend sub-division 23 by inserting between the word "To" and the word "regulate" the words "provide for and."

Amend subdivision 25 by inserting in the second line thereof, after the word "conduct" the following words: "resisting, interfering with, or obstructing any police officer in the discharge, or attempted discharge of any duty under any ordinance of the city or town."

Amend subdivision 64 as follows: On line 10 on page 10 of the bill strike out the word "on" and substitute in lieu thereof the word "or."

Also amend said subdivision 64 by inserting on line 31 thereof, the following: "For the purpose of providing the city or town with an adequate water supply for municipal and domestic purposes, the city or town council may procure and appropriate water rights and titles to the same, and the necessary real and personal property to make said water rights and supply available by purchase, appropriation, condemnation or otherwise."

Also amend Section 1 of said bill by adding thereto the following:

"83. To establish at a suitable place within the limits of the city or

town, a hospital for surgical and medical treatment of emergency cases, or indigent persons, or such other cases as require immediate surgical or medical treatment, and to regulate, maintain and control the same, or to provide for the care and treatment of such cases at a hospital already established.

"84. To establish and maintain emergency lodgings in which to provide temporary shelter and lodging for destitute persons."

"85. To impose and provide terms and regulations on the grant or exercise of the rights and privileges of public service or utility businesses, and to regulate the rates to be charged by any person, company or corporation engaged in any such business; provided that nothing herein shall authorize the grantings of franchises without the same, or the proposition to grant the same, having been submitted to the voters, if such submission is required by any provision of law."

Further amend said bill by striking out Sections 2 and 3 thereof and by numbering Section 4 as Section 2 thereof.

That as so amended said bill do pass.

Report adopted.

Brownlee, from the Committee on Townships and Counties, reported as follows:

Feb. 23, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 297, introduced by Cameron, being a Bill for an Act to amend Section IV, of Chapter XXII, of the Laws of 1906, and for adding to said Act a section to be numbered Section 6A, relative to public weighers and public scales, beg leave to report the same back to the House with the following amendment:

Strike out after the word "shall" in line 9 the following: "therein specify settlement for said merchandise by any other than the county scale weights," and insert in lieu thereof: "refuse on demand to make settlement therefor by the county scale weights," and recommend that the same do pass as amended.

Report adopted.

Also:

Feb. 23, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 342, introduced by Gray, being a Bill for an Act entitled "An Act to empower the County Commissioners to employ some suitable person to investigate and report for assessment any property of persons or corporations that has escaped taxation," report the same back to the House with the recommendation that the same be indefinitely postponed.

H. B. No. 342 referred to Committee on Ways and Means.

Also:

Feb. 23, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 334, introduced by Gray, being a Bill for an Act entitled "An Act to

provide for the division of the various counties into districts to be known as Commissioners' Districts," report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 185, having been read three several times, was passed by the following vote:

Ayes: Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brownlee, Burke, Cummings, Decker, Duncan, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Leighton, Manchester, Marshall, Miles, Miller of Park, Morgan, McManus, Macaulay, Patten, Ross, Scallon, Shaw, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, and Mr. Speaker.—35.

Noes.—Cluston, Kirwan, Longstaff, and Sherman.—4.

Absent and not voting.—Barbour, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Cutler, English, Farmer, Fischer, Gerber, Greene, Harden, Kroger, Logan, Maxwell, Miller of Lewis and Clark, Moore, Morris, McDonald, O'Connor, Potter, Powers, Root, Corby, Seidler, Selway, Swindlehurst, Towers, Tudor, Warren, Wilder, Wilham.—34.

Title agreed to.

House Bill No. 80, having been read three several times, was passed by the following vote, after amending the title as follows: "By inserting in line 1, between the word "section" and the figures "17" the figures "14" followed by a comma.":

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Goff, Gray, Harbordt, Hess, Hyndman, Kirwan, Leighton, Longstaff, Manchester, Marshall, Miles, Morgan, Macaulay, Patten, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, and Mr. Speaker.—34.

Noes.—Beckwith, Griffin, Kroger, Miller of Park, O'Connor, Wendel, Whiteside.—7.

Absent and not voting.—Barbour, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Gerber, Greene, Harden, Logan, Maxwell, Miller of Lewis and Clark, Moore, Morris, McDonald, McManus, Potter, Powers, Root, Selway, Swindlehurst, Towers, Tudor, Warren, Wilder, and Wilham.—32.

House Bill No. 146, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, and Mr. Speaker.—43.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer,

Greene, Harden, Logan, Maxwell, Morris, McDonald, Potter, Powers, Root, Selway, Swindlehurst, Towers, Tudor, Warren, Whiteside, Wilder and Wilham.—30.

Title agreed to.

House Bill No. 153, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel.—43.

Noes.—None.

Absent and not voting.—Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Harbordt, Harden, Logan, Maxwell, Miles, Morris, McDonald, Potter, Powers, Root, Selway, Swindlehurst, Towers, Tudor, Warren, Whiteside, Seidler, Wilham and Mr. Speaker.—30.

Title agreed to.

House Bill No. 166, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Brownlee, Burke, Cluston, Cummings, Decker, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Ross, Scallon, Seidler, Shaw, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, and Mr. Speaker.—38.

Noes.—Duncan, Gerber and Sherman.—3.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Harden, Logan, Manchester, Maxwell, Morris, McDonald, McManus, Potter, Powers, Root, Selway, Swindlehurst, Towers, Tudor, Warren, Whiteside, Wilder, and Wilham.—32.

Title agreed to.

House Bill No. 202, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside and Mr. Speaker.—44.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene,

Harden, Logan, Maxwell, Morris, McDonald, Potter, Powers, Root, Selway, Swindlehurst, Towers, Tudor, Warren, Wilder, Wilham.—28.

Title agreed to.

THIRD READING OF SENATE BILLS.

Senate Bill No. 40, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Brewster, Burke, Brownlee, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, and Mr. Speaker.—44.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Harden, Hess, Logan, Maxwell, Morris, McDonald, Potter, Powers, Root, Selway, Swindlehurst, Towers, Tudor, Warren, Wilder and Wilham.—29.

Title agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 271, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Benetts of Silver Bow, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Gray, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, Patten, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, and Mr. Speaker.—40.

Noes.—McManus.—1.

Absent and not voting.—Blake, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Goff, Greene, Harden, Hess, Leighton, Logan, Maxwell, Morris, McDonald, O'Connor, Potter, Powers, Root, Selway, Swindlehurst, Towers, Warren, Whiteside, Wilder, Wilham, and Tudor.—32.

Substitute for House Bill No. 259, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, Ross, Scallon, Seidler, Shaw, Sherman, Thompson, of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Wilder and Mr. Speaker.—41.

Noes.—McManus.—1.

Absent and not voting.—Bennett of Madison, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Gray, Harden, Logan, Longstaff, Maxwell, Morris, McDonald, O'Connor, Patten, Potter, Powers, Root, Selway, Swindlehurst, Towers, Tudor, Warren, Whiteside, Wilham.—31.

Title agreed to.

House Bill No. 272, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerben, Goff, Gray, Griffin, Hess, Hyndman, Kroger, Leighton, Longstaff, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Wilder and Mr. Speaker.—42.

Noes.—Harbordt.—1.

Absent and not voting.—Bennett of Madison, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Harden, Kirwan, Logan, Manchester, Maxwell, Morris, McDonald, O'Connor, Patten, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren, Whiteside and Wilham.—30.

Title agreed to.

House Bill No. 140, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Root, Ross, Scallon, Seidler, Sherman, Thompson of Sanders, Thompson of Fergus, Weed, Wendel, Whiteside.—43.

Noes.—Longstaff, Patten, Shaw, Wilder.—4.

Absent and not voting.—Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Harden, Logan, Maxwell, Morris, McDonald, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Walker, Warren, Wilham, and Mr. Speaker.—26.

Title agreed to.

House Bill No. 221, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Longstaff, Manchester, Marshall, Miles, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Thompson of Sanders, Thompson of Fergus, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—43.

Noes.—None.

Absent and not voting.—Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Harden, Kroger, Leighton, Logan, Maxwell, Miller of Lewis and Clark, Morris, McDonald, Potter, Powers, Selway, Sherman, Swindlehurst, Towers, Tudor, Walker, Warren, Wilham, Greene.—30.

Title agreed to.

House Bill No. 181, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Barbour, Bennetts of Silver Bow, Blake, Brownlee,

Burke, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—43.

Noes.—Harbordt and McManus.—2.

Absent and not voting.—Bennett of Madison, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cluston, Cutler, English, Farmer, Fischer, Greene, Harden, Kirwan, Logan, Maxwell, Morris, McDonald, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren, and Wilham.—28.

Title agreed to.

House Bill No. 149, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Brownlee, Burke, Cluston, Cummings, Duncan, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—46.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Harden, Logan, Maxwell, Miller of Lewis and Clark, Morris, McDonald, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren, Wilham.—27.

Title agreed to.

House Bill No. 230, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Brownlee, Cluston, Cummings, Decker, Duncan, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Park, Morgan, McManus, Macaulay, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—42.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Gerber, Greene, Harden, Logan, Maxwell, Miller of Lewis and Clark, Moore, Morris, McDonald, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren, and Wilham.—31.

Title agreed to.

House Bill No. 250, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Park, Morgan, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw,

Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Wilder and Mr. Speaker.—40.

Noes.—Harbordt and Macaulay.—2.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Harden, Logan, Maxwell, Miller of Lewis and Clark, Moore, Morris, McDonald, McManus, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren, Whiteside and Wilham.—31.

Title agreed to.

House Bill No. 267, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Macaulay, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—44.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Harden, Logan, Maxwell, Moore, Morris, McDonald, McManus, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren and Wilham.—29.

Title agreed to.

House Bill No. 204, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Bennetts of Silver Bow, Brewster, Brownlee, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—39.

Noes.—Burke, Longstaff and Macaulay.—3.

Absent and not voting.—Bennett of Madison, Beckwith, Blake, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Griffith, Harden, Logan, Manchester, Maxwell, Moore, Morris, McDonald, McManus, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren and Wilham.—31.

Title agreed to.

House Bill No. 277, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, Gerber, Goff, Gray, Harbordt, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Macaulay, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman,

Thompson of Fergus, Thompson of Sanders, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—45.

Noes.—None.

Absent and not voting.—Blake, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, English, Farmer, Fischer, Greene, Griffin, Harden, Logan, Maxwell, Moore, Morris, McDonald, McManus, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren and Wilham.—28.

Title agreed to.

House Bill No. 176, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Brewster, Brownlee, Burke, Cluston, Decker, Duncan, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Longstaff, Manchester, Marshall, Miles, Miller, of Lewis and Clark, Blake, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—45.

Noes.—None.

Absent and not voting.—Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cummings, Cutler, English, Farmer, Fischer, Greene, Harden, Leighton, Kirwan, Logan, Maxwell, Morris, McDonald, McManus, Potter, Powers, Selway, Swindlehurst, Towers, Tudor, Warren, Wilham.—28.

Title agreed to.

House Bill No. 241, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cluston, Decker, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—45.

Noes.—Duncan.—1.

Absent and not voting.—Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cummings, Cutler, English, Farmer, Fischer, Greene, Harden, Leighton, Logan, Maxwell, Moore, Morris, McDonald, McManus, Powers, Selway, Swindlehurst, Towers, Tudor, Warren, Wilham.—17.

Title agreed to.

REPORT OF STANDING COMMITTEE.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 23, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 306, 282, 317, 315, and 261 have been correctly printed.

Also:

Helena, Montana, February 23, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 280, 257, 302, 196, 286, 279 and 298 have been correctly printed.

Scallon, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to which was referred House Bill No. 175, entitled "A Bill to require an annual apportionment and accounting of surplus of life insurance companies, as to policies heretofore issued, for the purpose of investigating the same with respect to its constitutionality", beg to report that they have investigated the constitutional question appearing from an examination of said Bill, and are not without doubt with respect to the same. The language of the bill, to-wit: "on policies of life insurance heretofore issued, under the conditions of which the distribution of surplus is deferred to a fixed or specified time and contingent upon the policy being in force and the insured living at the time," would seem to be at variance with Section II of Article III of the Constitution, in that it seems to be an attempt to change the obligations of a contract. This, we do not think it competent for the Legislature to do.

We have been reminded of the high authority from which this bill emanates, but with due respect to the same, we are not prepared to say that the same would be constitutional if passed in its present form.

Report adopted and House Bill No. 175 re-referred to Committee on Insurance.

Also:

Helena, Montana, February 23, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 390, entitled "A Bill for an Act appropriating money for the payment of a balance due on mileage allowed by law to sheriffs for transporting prisoners to the State Prison during the years 1903 and 1904", beg leave to report that your Committee applied to the Attorney General for an opinion upon this bill and the Attorney General has given your Committee an opinion in writing, which is herewith returned as a part of this report. We concur in this opinion, and therefore report the bill with the recommendation that it do pass.

Helena, Montana, February 23, 1907.

Hon. William Scallon, Chairman, Committee on Judiciary, Helena, Mont.

Dear Sir:

I am in receipt of your favor of the 22nd inst., enclosing House Bill No. 290, which is a Bill for an Act appropriating money for the payment of balances due on mileage allowed by law to sheriffs for transporting prisoners to the State Prison during the years 1903-04. You state that your committee are desirous of securing an opinion from this office as to the constitutionality of the measure and the legality of the claims for which the appropriation is contemplated to be made by said bill. I know of no constitutional prohibition against such an act, and in my judgment the bill is constitutional. As to the legality of the claims for which the appropriation

is contemplated by the act to be made, I am of the opinion that the same are legal claims against the State of Montana. As reason for my opinion that they constitute legal claims against the State of Montana, permit me to say:

The sheriffs mileage for transportation of prisoners was authorized by Section 4604 of the Political Code, which law was in force and effect until March 3, 1905, at which time Chapter 86, laws of 1905, went into force and effect allowing sheriffs their actual expenses for the transporting of prisoners instead of mileage, and, under the decision of the Supreme Court in *Proctor v Cascade County*, 20 Mont., 315, it is held that a sheriff is entitled to mileage instead of actual expenses for the transporting of prisoners to the State Penitentiary under said Section 4604 of the Political Code. These claims having been incurred under authority of Section 4604 of the Political Code before its repeal by said Chapter 86, Laws of 1905, and having been duly and regularly approved by the State Board of Examiners as legal claims against the State of Montana, and certified to the Legislative Assembly, I know of no reason why appropriation should not be made for the payment of the balance of such claims, it appearing that the Legislative Assembly have not already made provision by appropriation for payment of the same in full. The mere fact that the Ninth Legislative Assembly acted upon the claims and made appropriation for allowance of such claims in part does not liquidate the obligation nor in any way prevent the Tenth Legislative Assembly from making appropriation with which to pay the balance due and owing to such sheriffs for services performed.

Respectfully submitted,

ALBERT J. GALEN, Attorney General.

House Bill No. 390 was re-referred to Committee on Appropriations, with instructions to the Committee to inquire into the merits of each claim mentioned in the bill, and with full authority to send for persons and papers and to report on each claim.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, to which was referred petitions from residents of the State praying for the passage of H. B. No. 185, known as the Griffin Anti-Gambling Bill, herewith transmit the same back to the House with the recommendation that they be re-referred to the Senate.

Report adopted.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 23, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 283, entitled "A Bill for an Act entitled 'An Act to amend Sections 2350, 2351 and 2352 of the Code of Civil Procedure of the State of Montana, relating to the probate of foreign wills'", recommend that said bill be amended as follows:

Amend Section 3 of the bill by adding thereto the following: "but where the bill is attested by the certificate of the officer of a foreign country, who

is in charge of the custody of the will, as in this Section provided, the said certificate shall be accompanied by a certificate under the hand and seal of the clerk of the highest trial court of record, or the court of first instance of the district or division in which such officer resides and has his office, to the effect that the said will is executed in conformity with the laws of the country, state or province; that the officer in possession thereof and certifying to the same is duly authorized and empowered by said law to hold the same and to issue certified copies thereof, and that such will and copies thereof so certified are recognized and admitted in the courts of the country, state or province as authentic and valid; and the correctness of the certificate of the clerk or equivalent officer and his signature, shall be attested by a judge of such court, and the signature of the judge shall be authenticated in the manner provided by law for the proof of foreign judicial records." And when so amended, said bill do pass.

Report adopted.

MOTIONS AND RESOLUTIONS.

Whereas, the ventilators of the Chamber of the House of Representatives seem to be defective; and

Whereas, as a consequence thereof the air in said Chamber is always bad, and frequently over-heated, foul and unspeakable; and

Whereas, owing to such unsanitary condition of the Chamber during the sessions of the House, the health and comfort of the members have been and are seriously affected, and they are unable to discharge their duties in a manner satisfactory to themselves:

Therefore, Be It Resolved, that the House Committee on Sanitary Affairs, be instructed to investigate the matter above referred to and to make a report to this House not later than Monday, Feby. 25th, at 2 o'clock P. M.

Signed,

C. H. SHERMAN,
C. A. WILDER,
C. B. MILES,
WHITESIDE,
THOS. C. MARSHALL,
E. D. WEED,
R. B. THOMPSON,
LEON SHAW,
S. M. ROSS,
F. C. MORGAN,
ROBT. BROWNLEE,
M. M. DUNCAN,"

Resolution adopted.

The House adjourned at 3:35 P. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FIFTIETH DAY

Monday, February 25, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Barbour, Blewett, Boorman, Cameron, Cato, Cutler, Harden, Kirwan, Maxwell, Morris, Powers, Shaw, Towers and Warren. Boorman and Cato excused.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Saturday, February 23, and believe the same to be correct.

Report adopted.

A resolution from the Bar Association of the Fourth Judicial District, relative to establishing an additional judgeship for said District, was read and transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 186, 333, 121, 226, 96, 276, 285, 212, 131, 246, 168, 225, 128, 242, 253, 304, 183, correctly engrossed.

By two-thirds vote of the House, Manchester was permitted to introduce a Bill.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Manchester. H. B. No. 404. A Bill for an Act entitled, "An Act to provide that the National Flag be unfurled, displayed and kept floating upon the grounds of the State Capitol Building, and to authorize and direct the Secretary of State to have erected a suitable flagstaff and provide suitable flags therefor, and to provide for the payment of the necessary expenses incident thereto."

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 404, read first and second times by title only, and referred to Committee on Military Affairs.

MOTIONS AND RESOLUTIONS.

The following resolution was read:

Helena, Montana, February 25, 1907.

"Mr. Speaker:

It is with sincere sorrow that the members of the House of the Tenth Legislative Assembly have received the sad intelligence of the death of the

son of Hon. O. C. Cato. We, your Committee, therefore, send the following resolutions to the desk and ask their adoption.

Resolved, That the House has heard with deep regret and profound sorrow of the death of the son of our fellow member, the Honorable O. C. Cato.

Resolved, That we express to Hon. O. C. Cato and his family our sincere sympathy in this their sad bereavement, and that these resolutions be spread upon the Journal of the House and that the Chief Clerk be directed to communicate a copy of these resolutions to the Hon. O. C. Cato and his family.

JNO. E. O'CONNOR,
FRED WHITESIDE,
T. A. CUMMINGS."

Motion by Swindlehurst that the rules be suspended and that the above resolution be adopted at this time. Motion carried and resolution adopted unanimously.

By two-thirds vote, Thompson of Fergus, was permitted to introduce a Bill.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Thompson of Fergus, H. B. No. 405. A Bill for an Act entitled "An Act to establish a sub-experimental station near Lewistown, Montana, and providing for the acquisition or acceptance of title to the land for the same and the direction thereof."

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 405, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

NOTICES OF BILLS.

By Thompson of Fergus. A Bill for an Act entitled "An Act to establish a sub-experimental station near Lewistown, Montana, and providing for the acquisition or acceptance of title to the land for the same and the direction thereof."

THIRD READING OF HOUSE BILLS.

House Bill No. 186, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker.—54.

Noes.—None.

Absent and not voting.—Barbour, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, Harden, Kirwan, Maxwell, Miles, Morris, McManus, Powers, Shaw, Towers, Warren, and Weed.—19.

Title agreed to.

House Bill No. 233, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—52.

Noes.—None.

Absent and not voting.—Barbour, Blake, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, Harden, Kirwan, Logan, Maxwell, Miles, Morris, Powers, Scallon, Seidler, Shaw, Towers, and Warren.—21.

Title agreed to.

House Bill No. 183, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, McDonald, McManus, Macaulay, O'Connor, Potter, Root, Ross, Scallon, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—52.

Noes.—None.

Absent and not voting.—Barbour, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Harden, Kirwan, Leighton, Maxwell, Miles, Morgan, Morris, Patten, Powers, Seidler, Shaw, Towers, Tudor, and Warren.—21.

Title agreed to.

House Bill No. 168, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Cluston, Cummings, Decker, English, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Longstaff, Manchester, Marshall, Miller of Park, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—48.

Noes.—None.

Absent and not voting.—Barbour, Blewett, Boorman, Campbell, Cameron, Cato, Corby, Cutler, Duncan, Farmer, Fischer, Harden, Kirwan, Leighton, Logan, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morris, Powers, Sherman, Shaw, Towers and Warren.—25.

Title agreed to.

House Bill No. 304, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow,

Blake, Brewster, Burke, Cluston, Duncan, English, Fischer, Gerber, Greene, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Powers, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—46.

Noes.—None.

Absent and not voting.—Barbour, Blewett, Boorman, Brownlee, Campbell, Cameron, Cato, Corby, Cummings, Cutler, Decker, Farmer, Goff, Gray, Harden, Kirwan, Logan, Maxwell, Miles, Morris, O'Connor, Potter, Seidler, Thompson of Sanders, Thompson of Fergus, Towers, and Warren.—27.

Title agreed to.

MOTIONS AND RESOLUTIONS.

By Marshall:

Whereas, Nathan Godfrey the Chief Clerk of this House, on account of having been chosen to the position of Railroad Commissioner, has tendered his resignation as Chief Clerk, which has been accepted; and

Whereas, the position of Chief Clerk is now vacant, notwithstanding Mr. Godfrey's generous offer to serve this House in an advisory capacity, yet it is necessary and important that this House should have some one upon whom the duties and responsibilities of Chief Clerk should devolve; and

Whereas, Charles B. Gibbs has so faithfully and efficiently discharged the duties of Assistant Clerk as to show himself worthy and capable;

Therefore Be It Resolved, that Charles B. Gibbs, be and he is hereby made the Chief Clerk of this House; and

Be It Further Resolved, that the thanks of this House are due and are hereby tendered to Mr. Nathan Godfrey for the efficient manner in which he discharged his duties while Chief Clerk of this House as well as his uniform courtesy to the members, and

Be It Further Resolved, that we extend to Mr. Godfrey our best wishes for his future, and hope that it shall be prosperous, and that in the discharge of his new duties he may so acquit himself as to win the applause of the whole people of the State and secure to them lasting and substantial benefits.

Motion by Marshall that the rules be suspended and that the above resolution be considered at this time and adopted. Motion carried and resolution adopted.

Bennett asked unanimous consent to amend House Bill No. 253, by striking out in line 2, of Section 1, the word "burglary" and inserting in lieu thereof the words "a felony or other crime."

Consent given and amendment adopted.

House Bill No. 253, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Corby, Cluston, Cummings, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, Macaulay, Root, Ross, Scallon, Selway,

Shaw, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—47.

Noes.—McManus.—1.

Absent and not voting.—Barbour, Blewett, Boorman, Burke, Campbell, Cato, Cutler, Farmer, Harden, Kirwan, Logan, Longstaff, Maxwell, Miles, Morris, O'Connor, Patten, Potter, Powers, Seidler, Sherman, Swindlehurst, Towers, Warren, Cameron.—25.

Title agreed to.

READING OF SENATE BILLS.

S. B. No. 66, read first and second times by title only, and referred to Committee on Affairs of Cities.

S. B. No. 69, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

S. B. No. 74, read first and Second times by title only, and referred to Committee on Education.

S. B. No. 78, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

S. B. No. 81, read first and second times by title only, and referred to Committee on Ways and Means.

S. B. No. 84, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

S. B. No. 90, read first and second times by title only, and referred to Committee on Education.

S. B. No. 94, read first and second times by title only, and referred to Committee on Education.

S. B. No. 96, read first and second times by title only, and referred to Committee on Townships and Counties.

S. B. No. 98, read first and second times by title only, and referred to Committee on Townships and Counties.

THIRD READING OF HOUSE BILLS.

House Bill No. 242. Introduced by Scallon.*

A Bill for an Act entitled "An Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 6, of Article XVI, of the Constitution of the State of Montana, relating to the terms of office of certain officers and making provisions regarding the terms of office of members of police and fire organizations or departments, and of executive and administrative commissions of municipal corporations and of school trustees."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there shall be submitted to the qualified electors of the State of Montana, at the next general election to be held in said State, the following amendment to Section 6, of Article XVI, of the Constitution of the State, relating to the terms of office of certain officers:

That Section 6, of Article XVI, of the Constitution of the State of Montana be amended by adding thereto the following paragraph, to-wit:

"The Legislative Assembly may provide that the members of the police and fire organizations or departments in any class or classes of municipal corporations, classified under a general law, may hold during good behavior

or for indefinite terms, subject to removal for cause, and may provide for their removal. It may also provide that members of executive and administrative commission in municipal corporations, including police commissions, however elected or appointed, if such officers be provided for, may hold for six years or less, and that the terms of office of school trustees may be of three years or less," so that when amended the said section shall read as follows:

Section 6. The legislative assembly may provide for the election or appointment of such other county, township, precinct, and municipal officers as public convenience may require and their terms of office shall be as prescribed by law, not in any case to exceed two years, except as in this constitution otherwise provided. The legislative assembly may provide that the members of the police and fire organizations or departments in any class or classes of municipal corporations, classified under a general law, may hold during good behavior or for indefinite terms, subject to removal for cause, and may provide for their removal. It may also provide that members of executive and administrative commissions in municipal corporations, including police commissions, however elected or appointed, if such officers be provided for, may hold for six years or less, and that the terms of office of school trustees may be of three years or less.

Section 2. The vote upon this amendment shall be counted and canvassed by such persons, and in such manner as provided by law for the counting and canvassing of the vote for member of congress, and if a majority of all the votes cast at said election, for and against said amendment shall be in favor of the amendment, the governor of the state shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as part of the constitution from and after the date of said proclamation.

Section 3. The official ballots to be used at the general election to be held in November, 1908, shall have printed thereon the following words: "For the amendment to the constitution relating to the terms of office of certain officers," and the words: "Against the amendment to the constitution relating to the terms of office of certain officers."

Section 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 5. This Act shall take effect and be in force from and after its passage and approval."

House Bill No. 242, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Brownlee, Corby, Cluston, Cummings, Duncan, English, Fischer, Gerber, Greene, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macenulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Wendel, Wilder, Wilham and Mr. Speaker.—47.

Noes.—Goff.—1.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Boorman.

Blewett, Brewster, Burke, Campbell, Cameron, Cato, Cutler, Decker, Farmer, Gray, Harden, Kirwan, Maxwell, Morris, McDonald, Root, Towers, Tudor, Warren, Weed, and Whiteside.—25.

Title agreed to.

House Bill No. 225, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Silver Bow, Blake, Brownlee, Burke, Corby, Cluston, Cummings, Duncan, English, Fischer, Goff, Greene, Harbordt, Griffin, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Park, Moore, Morgan, O'Connor, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—41.

Noes.—Miller of Lewis and Clark and Patten.—2.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Cutler, Decker, Farmer, Gerber, Gray, Harden, Hess, Kirwan, Maxwell, Morris, McDonald, McManus, Macaulay, Potter, Powers, Root, Ross, Scallon, Towers, Walker, and Weed.—30.

Title agreed to.

House Bill No. 128, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Corby, Cummings, Decker, Gerber, Goff, Greene, Griffin, Harbordt, Kroger, Hyndman, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Shaw, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—47.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Blewett, Boorman, Campbell, Cameron, Cato, Cluston, Cutler, Duncan, English, Farmer, Fischer, Gray, Harden, Hess, Kirwan, Maxwell, Morris, McDonald, McManus, Powers, Towers, Warren, Weed.—26.

Title agreed to.

House Bill No. 246, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Fischer, Goff, Greene, Griffin, Harbordt, Hyndman, Logan, Manchester, Miles, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Potter, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Wendel, Whiteside, Wilham and Mr. Speaker.—38.

Noes.—Marshall, Miller of Lewis and Clark, McManus, Patten, Root, Ross, Seidler, and Weed.—8.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Cutler, Farmer, Gerber, Gray, Harden, Hess, Kirwan, Kroger, Leighton, Longstaff, Maxwell, Morris, McDonald, Powers, Towers, Tudor, Warren, and Wilder.—27.

Title agreed to.

House Bill No. 212, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Brewster, Brownie, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, McDonald, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—52.

Noes.—None.

Absent and not voting.—Allen, Barbour, Blewett, Boorman, Campbell, Cameron, Cato, Cutler, Farmer, Harden, Hess, Kirwan, Maxwell, Morgan, Morris, O'Connor, Potter, Powers, Towers, Warren, Bennett of Madison.—21.

Title agreed to.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 65, introduced by Sanders, reports same back to the House with the recommendation that it be taken from general orders and placed on general orders for tomorrow.

Also having had under consideration Senate Bill No. 35, introduced by Everett, reports progress on same.

Report adopted.

On motion of Gray, the House took a recess at 12:35 P. M. until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

THIRD READING OF HOUSE BILLS.

House Bill No. 131, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Blake, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Fischer, Gerber, Gray, Griffin, Harbordt, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, McDonald, McManus, Macaulay, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—48.

Noes.—Goff and Wilham.—2.

Absent and not voting.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Campbell, Cameron, Cato, Cutler, Farmer, Greene,

Harden, Hess, Kirwan, Leighton, Maxwell, Morgan, Morris, O'Connor, Powers, Towers, Walker, Warren.—23.

Title agreed to.

House Bill No. 285, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Blake, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Fischer, Gerber, Greene, Gray, Griffin, Harbordt, Hyndman, Kroger, Logan, Longstaff, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Potter, Ross, Scallon, Seidler, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker pro tem.—48.

Noes.—None.

Absent and not voting.—King, Barbour, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Campbell, Cameron, Cato, Cutler, Farmer, Goff, Harden, Hess, Kirwan, Leighton, Manchester, Maxwell, Morris, O'Connor, Towers, Root, Sherman, Towers, Warren.—25.

Title agreed to.

House Bill No. 276, having been read three several times, was passed by the following vote:

Ayes.—Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker pro tem.—51.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, Blewett, Boorman, Campbell, Cameron, Cato, Cutler, Farmer, Harden, Hess, Kirwan, Logan, Maxwell, Morris, Macaulay, O'Connor, Patten, Powers, Towers, Warren, and Mr. Speaker.—22.

Title agreed to.

House Bill No. 96, having been read three several times, was passed by the following vote:

Ayes.—Bennett of Madison, Bennetts of Silver Bow, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Decker, Duncan, English, Gerber, Gray, Griffin, Harbordt, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker pro tem.—48.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, Blewett, Boorman, Blake, Campbell, Cameron, Cato, Cutler, Farmer, Fischer, Goff, Greene, Harden,

Hess, Kirwan, Logan, Maxwell, Morris, Powers, Root, Towers, Tudor, Warren and Mr. Speaker.—25.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Bennett, on behalf of the Committee on Enrollment, reported as follows:
Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 23rd day of February, 1907:

House Bill No. 236. "An Act to amend Section 637 of the Code of Civil Procedure of the State of Montana, relating to publication of summons."

House Bill No. 232. "An Act to amend Section 1080 of the Code of Civil Procedure of Montana and to repeal an Act approved February 15th, 1901, relating to method of procedure in the trial of civil actions and review by the Supreme Court of Errors and Instructions."

House Bill No. 234. "An Act relating to bills of exceptions, and statements of the case, providing that the exceptions of the prevailing party shall be incorporated therein, and providing for review by the Supreme Court on appeal of such exceptions and the orders and rulings relating thereto."

House Bill No. 217. "An Act to provide for the support of the Government of the State of Montana, for the years 1907 and 1908."

House Bill No. 237. "An Act to amend Section 1736, 1738, and 1739, of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court."

House Bill No. 123. "An Act defining the status of persons soliciting life insurance."

House Bill No. 132. "An Act to prohibit misrepresentation by life insurance companies."

House Bill 235. "An Act to amend Section 1172 of the Code of Civil Procedure of Montana; to amend Section 1173 of the Code of Civil Procedure of Montana, as amended by an Act of the Ninth Legislative Assembly, entitled: "An Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana, approved March 4, 1905; and to amend Sections 1174 and 1176 of the Code of Civil Procedure of Montana relating to practice on motions for a new trial."

House Bill No. 210. "An Act appropriating money for the payment of deficiency claims of the State Encampment of 1905 of the National Guard of Montana."

House Bill No. 167. "An Act to add to Chapter IV, Title V, Part 2, Code of Civil Procedure, a Section to be known as Section 644, providing the time within which returns on summons and other process and orders must be made and filed after service."

House Bill No. 197. "An Act to provide for the publication of the certificate of the Auditor as to the authority of insurance companies to transact business, and for the publication of a condensed statement of their condition in addition thereto."

House Bill No. 207. "An Act appropriating money for the payment of deficiency claims, account or Supreme Court."

House Bill No. 206. "An Act appropriating money for the payment of deficiency claims maintenance of Capitol Building."

House Bill No. 213. "An Act relating to the provisions of Life Insurance Policies."

House Bill No. 174. "An Act providing for the redemption and payment of county, school district, city and town bonds, held by the State before the maturity thereof."

Also:

Mr. Speaker:

Your Committee on Enrollment report the following bill as correctly enrolled this 25th day of February, 1907:

House Bill No. 164. "An Act to amend Section 846 of the Penal Code of the State of Montana."

Mr. Speaker announced that he was about to sign House Bills Nos. 236, 332, 234, 217, 237, 132, 235, 210, 167, 197, 207, 206, 213, 174, 164, and signed the same in the presence of the House.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 25, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 211, Sub. for 21, 349, 292, 18, 337, have been correctly printed.

Also:

Helena, Montana, February 25, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 85, 335, 101, 255, 329, 293, 227, 195, have been correctly printed.

Unanimous consent was given to Chief Clerk to change the word "Political" to "Civil" where the same appears in the title and Section 1 of House Bill No. 121.

THIRD READING OF HOUSE BILLS.

House Bill No. 121, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Brewster, Burke, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Griffin, Harbordt, Hess, Hyndman, King, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, Macaulay, Patten, Potter, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilham and Mr. Speaker pro tem.—48.

Noes.—McManus.—1.

Absent and not voting.—Barbour, Bennett of Madison, Blewett, Boorman, Brownlee, Campbell, Cameron, Cato, Cutler, English, Greene, Gray, Harden, Kirwan, Maxwell, Moore, Morris, O'Connor, Powers, Selway, Towers, Tudor, Warren, Wilder.—24.

Title agreed to.

House Bill No. 226, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Brewster, Brownlee,

Burke, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, King, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Park, Morgan, McDonald, McManus, Potter, Root, Ross, Scallon, Seidler, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, White-side, Wilham and Mr. Speaker pro tem.—47.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Blewett, Boorman, Campbell, Cameron, Cato, Cutler, English, Gerber, Harden, Kirwan, Maxwell, Miller of Lewis and Clark, Moore, Morris, Macaulay, O'Connor, Patten, Powers, Selway, Sherman, Towers, Tudor, Warren, Wilder.—26.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 25, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 339, 256, 353, 338, and Sub. for 57, 194, Sub. for 44, 251, 328, have been correctly printed.

READING OF SENATE BILLS.

S. B. No. 68, read first and second times by title only, and referred to Committee on Affairs of Cities.

COMMUNICATIONS AND PETITIONS.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that S. O. R. No. 6, relating to the necessity of appropriations by the U. S. Congress for the Missouri, Yellowstone and Flathead rivers to make them navigable, having been introduced and passed by the Senate is herewith transmitted to the House for its concurrence.

Respectfully.

H. K. HOWRY, Secretary.

S. C. R. No. 6, read by title, and referred to Committee on Federal Relations.

Motion by Wendel that House Bill No. 160 be placed on general orders for today.

Mr. Speaker excused Duncan for the remainder of the week.

INTRODUCTION OF BILLS.

By two-thirds vote, the following bill was introduced:

By Committee on Judiciary, H. B. No. 406. A Bill for an Act embodying and to make uniform the law of warehouse receipts.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 406, read first and second times by title, and referred to Committee on Judiciary.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 35, introduced by Everett, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Substitute the following for Section 1: That Section 1270 of the Political Code of the State of Montana be and the same is hereby amended to read as follows:

Section 1270. There shall be provided at the expense of the county, for each polling precinct, a substantial ballot box or canvass pouch with a secure lock and key for the ballots, and detached stubs as herein provided for. There shall be one opening, and no more in such box or canvas pouch, of sufficient size to admit a single folded ballot. The adoption of the canvas pouch to be used instead of the ballot box, in any precinct, shall be optional with the commissioners of each county, but in such precincts, where pouches are so adopted, the pouches shall be returned to the county clerk together with the other election returns, as by law provided.

Amend Section 2 by striking out in sample ballot under head Labor Party, the name of Frank G. Higgins; also the name of Geo. M. Hays, and substitute for the name of J. A. Ferguson the name of Fred Whiteside; and substitute for the name of Geo. M. Hays the name of W. R. Allen.

Amend Section 2 by striking out of the sample ballot the first vertical line to the left of the names of candidates on each party ticket. Also amend by adding three heavy vertical lines to the right of the names of candidates on each party ticket.

Also having had under consideration House Bill No. 42, introduced by Macaulay, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 309, introduced by Scallon, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 8 by inserting between the words "city" and "government," on line 79, the words "or town."

Amend Section 11 by inserting between the words "city" and "council," on line 87, the words "or town."

Amend Section 12 by striking out in line 92 the words "twenty-five" and inserting in lieu thereof the words "twenty-one." Also by inserting between the words "city" and "at," on line 94, the words "or town."

Amend Section 14 by adding thereto the following: "but nothing herein contained shall abridge any of the powers possessed by the Mayor of any city or town under any other provision of law or any ordinance." Also by placing a comma instead of the period after the word "repealed" on line 102.

Amend Section 15, by striking out in lines 103 and 104 the following: "and be in full force from and after its passage and approval."

Also having had under consideration House Bill No. 315, introduced by Whiteside, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 281, introduced by Committee on Labor, reports same back to the House with the recommendation that it do pass, as amended, as follows:

Amend by inserting after the figures 281, the following: "By Hesa."

Also having had under consideration House Bill No. 196, introduced by Swindlehurst, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 6 the words "any commodity," and inserting in lieu thereof the words "or of any personal property."

Also having had under consideration House Bill No. 298, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 248, introduced by McManus, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 291, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by inserting after the word "railroad" a comma; also immediately thereafter the word "telegraph."

Amend Section 3 by inserting in line 22, after the word "railroad," the word "telegraph."

Also having had under consideration Substitute for House Bill No. 50, introduced by Committee on Affairs of Cities, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by adding thereto the words: "No place shall be deemed a park within the meaning of this Act unless the same be at least ten acres in superficial area."

Also having had under consideration House Bill No. 156, introduced by Walker, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1, line 38, by inserting after the word "fifth" the word "and", after the word "sixth" the word "classes".

Amend Section 1, line 38, by inserting after the word "sixth" the words "and deputy In Counties of the".

Amend Section 1 by adding thereto the words: "the number of deputies to be appointed shall be subject to the consent and approval of the Board of County Commissioners".

Also having had under consideration House Bill No. 325, introduced by Bennett, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by adding in line 17 after the word "act" the following: "Provided that nothing in this Act shall prevent the sale of distillate or other

gasoline petroleum products where the product is sold under its proper commercial name and its specific gravity given".

Amend Section 2 by striking out in line 16, the figures "68" and inserting in lieu thereof the figures "63".

Also having had under consideration House Bill No. 313, introduced by Barbour, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 266, introduced by Seidler, reports same back to the House with the recommendation that it be placed on General Orders for next Wednesday.

Also having had under consideration House Bill No. 125, introduced by Maxwell, reports same back to the House with the recommendation that it be placed on general orders for next Wednesday.

Also having had under consideration House Bill No. 324, introduced by Committee on Live Stock and Public Ranges, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by adding the following: "and to provide for the transfer of money from the general fund to the stock indemnity fund".

Amend Section 4 by inserting in line 64, after the word "slaughter" the words "or quarantine".

Amend Section 8 by striking out all of sub-division two.

Amend Section 13 by striking out in line 270 the words "colt-distemper".

Amend Section 14 by substituting in lieu thereof the following: "Section 14. The State Treasurer is hereby authorized to transfer out of any moneys in the General Fund, not otherwise appropriated, the sum of Ten Thousand Dollars, which, in addition to the sum now carried in the Stock Indemnity Fund, shall be known as the "Stock Indemnity Fund", which fund must be used exclusively to defray all expenses created by this Act, except the salaries of the State Veterinary Surgeon, his regular deputies and his stenographer, which shall be paid out of the General Fund".

Amend Section 15 by striking out in line 296 the words "without permit from the State Veterinary Surgeon or deputy".

Also having had under consideration House Bill No. 108, introduced by Whiteside, reports same back to the House with the recommendation that it be re-referred to the Steering Committee.

Also having had under consideration House Bill No. 302, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Motion by Miller of Park, that the report of the Committee of the Whole be segregated as to House Bill No. 196. Motion carried.

Motion by Miller of Park, that House Bill No. 196 be made special order for Tuesday, at 2 P. M. Motion carried.

Motion by Miller of Park that the report of the Committee of the Whole be segregated as to House Bill No. 248. Motion carried.

Motion by Miller of Park that House Bill No. 248 be made a special order for Wednesday, at 3 P. M.

Amended motion by Marshall that House Bill No. 248 be made special order for Thursday, March 7th, at 5 P. M.

Amended motion carried. Original motion lost.

Miller of Lewis and Clark and Shaw, were given consent to introduce the following bills:

INTRODUCTION OF BILLS.

By Miller of Lewis and Clark, H. B. No. 407. A Bill for an Act entitled An Act authorizing and directing the transfer of certain moneys from the Fish and Game Fund to the General Fund, and appropriating the money so transferred to pay for a grand stand and make additional improvements at the State Fair Grounds.

By Shaw, H. B. No. 408. A Bill for an Act to amend Sections 220, 221, and 222, and repealing Section 224 of Chapter 2 of Article 5 of the Political Code of the State of Montana, relating to the compensation of members, officers and employees of the Legislative Assembly.

REPORTS OF STANDING COMMITTEES.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, February 25, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 406, entitled "A Bill for an Act embodying the law of warehouse receipts and to make uniform the law relating thereto", recommend that the said bill do pass.

Report adopted and House Bill No. 406 referred to Printing Committee. Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 25, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bill No. 308 has been correctly printed.

Also:

Helena, Montana, February 25, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 353 and 255 have been correctly printed, but are numbered incorrectly; 255 should be changed from 225 and 353 from 355. Members will please change these numbers, being reported with error in order to expedite their consideration.

On motion by Miller of Park, the House adjourned at 5:45 to meet tomorrow at 10 A. M.

E. W. KING, Speaker.

NATHAN GODFREY, Chief Clerk.

FIFTY-FIRST DAY

Tuesday, February 26, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Barbour, Boorman, Cato, Duncan, Fischer, Leighton, and Weed. Boorman, Cato and Duncan excused.

Motion by Allen that the report of the Committee of the Whole of yesterday, as segregated, be adopted. Motion carried.

Motion, by Whiteside, that House Bill No. 108, being an Act to limit the hours of labor of express messengers and telegraph operators, be placed on General Orders.

The chair ruled the motion out of order.

The decision of the chair was appealed from.

Whiteside demanded a roll call on the vote. Roll was called and the decision of the chair was sustained by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Campbell, Cameron, Corby, Cummings, Cutler, Decker, English, Farmer, Gerber, Goff, Greene, Griffin, Harbordt, Harden Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, Morris, McDonald, Patten, Potter, Root, Roas, Seidler, Selway, Thompson of Fergus, Towers, Tudor.—42.

Noes.—Burke, Cluston, Kirwan, Longstaff, Miller of Lewis and Clark, O'Connor, Powers, Shaw, Sherman, Swindlehurst, Wendel, Whiteside, Wilder.—13.

Absent nad not voting.—Barbour, Blewett, Boorman, Cato, Duncan, Fischer, Gray, Leighton, Miles, McManus, Macaulay, Scallon, Thompson of Sanders, Walker, Warren, Weed, Wilham and Mr. Speaker.—18.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Monday, February 25, and believe the same to be correct.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, February 23, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, to which was referred Substitute for Senate Bill No. 68, introduced by the Committee on Counties, Towns and Municipal Corporations, being a Bill entitled: A Bill for an Act relating to internal improvements in cities and towns and authorizing the issuance of special improvement district warrants or bonds in payment thereof, and providing for the levy and collection of assessments to pay such

bonds and repealing Chapter 73 of the Acts of the Legislative Assembly of Montana, 1905, beg leave to recommend the correction of three clerical errors, namely: Striking out the word "an" in line 26 of Section 5, and inserting in lieu thereof the word "or"; also striking out the word "if" in line 13, of Section 6, and inserting in lieu thereof the word "for" and striking out the word "or" in line 3 of Section 8.

Your Committee respectfully recommends that the bill be concurred in as corrected.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:

Mr. Speaker:

February 25, 1907.

We, your Committee on Fish and Game, having had under Consideration House Bill No. 370, "A Bill for an Act to repeal House Bill No. 147, Session Laws of the Seventh Legislative Assembly, providing for the appointment of a State Game & Fish Warden and Special Deputy Game & Fish Wardens and to repeal Chapter Fifty-seven, Session Laws of 1905, relating to Fish & Game licenses, and to provide for the disposition of money remaining in the Fish & Game Fund, to provide for the licensing of non-resident hunters, and penalties for the violation of the Fish and Game Laws, and making it the duty of the Sheriffs and Deputy Sheriffs to enforce the Fish & Game Laws", respectfully report the same back with the recommendation that it be indefinitely postponed.

Motion by Logan that report be adopted.

Substitute motion by Brownlee, that the report be accepted and that House Bill No. 370 be ordered printed and placed on General Orders. Substitute motion lost.

As a substitute for all pending motions, Miller of Park moved that House Bill No. 370 be re-referred to Committee on Live Stock and Public Ranges. Roll was called and motion to re-refer was lost by the following vote:

Ayes. Beckwith, Bennett of Madison, Blewett, Brewster, Brownlee, Cameron, Cummings, Decker, Gray, Harbordt, Harden, Hyndman, Manchester, Miller of Lewis and Clark, Moore, Morris, Patten, Root, Scallon, Selway, Sherman, Tudor, Walker, Warren and Wilder.—25.

Noes.—Allen, Bennetts of Silver Bow, Blake, Burke, Campbell, Cluston, Cutler, English, Farmer, Gerber, Goff, Greene, Griffin, Hess, Kirwan, Kroger, Logan, Longstaff, Marshall, Miles, Miller of Park, Morgan, McDonald, McManus, Macaulay, O'Connor, Powers, Ross, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Wendel, Whiteside, Wilham, Seidler and Mr. Speaker.—38.

Absent and not voting.—Barbour, Boorman, Cato, Corby, Duncan, Fischer, Leighton, Maxwell, Potter, Weed.—10.

Motion to adopt report carried.

Motion, by Whiteside, that the vote whereby report on House Bill No. 370 was adopted, be reconsidered. Motion carried.

Motion by Marshall, that the report on House Bill No. 370 be laid on the table.

Motion carried.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 15, 44, 21 and Senate Joint Memorial No. 1, and signed the same in the presence of the House.

Tudor, from the Committee on Public Buildings and Grounds, reported as follows:

Mr. Speaker:

Your Committee on Public Buildings and Grounds, to whom was referred House Bill No. 405, A Bill for an Act entitled, "An Act to establish a sub-experimental station near Lewistown, Montana, and providing for the acquisition or acceptance of title to the land for the same and the direction thereof," recommend that the same do pass.

Report adopted.

Goff, from the Committee on Military Affairs, reported as follows:

Mr. Speaker:

We, your Committee on Military Affairs, to which was referred House Bill No. 404, introduced by Manchester, A Bill for an Act entitled: "An Act to provide that the national flag be unfurled, displayed and kept floating upon the grounds of the State Capitol Building, and to authorize and direct the Secretary of State to have erected a suitable flagstaff and provide suitable flags therefor, and to provide for the payment of the necessary expenses incident thereto", having had the same under consideration, recommend that same be printed and placed on general orders.

Report adopted.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 299, A Bill for an Act entitled, "An Act to amend Section 950 of the Civil Code, as amended by Chapter 29 of the Laws of 1905, approved February 1st, 1905", respectfully report that they have had the same under consideration; that the following substitute has been recommended for their consideration; that they report the substitute back with the recommendation that the same be printed and placed on general file for consideration in Committee of the Whole, and that the further consideration of the original bill be indefinitely postponed. In this connection, your committee would say that they appreciate to some extent the importance of the legislation as embraced in the substitute herewith reported, but doubt very much the competency of the Legislature to enact such a law so as to make it effective for the accomplishment of the purposes desired; and are rather of the opinion that the same would be in conflict with the provisions of the Constitution of the State of Montana.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred Senate Bill No. 29, A Bill for an Act entitled: "An Act to amend Section 1 of Chapter XXIX of Session Laws of 1905, approved February 21, 1905, entitled: 'An Act to amend Sections 950-953, Title VIII, Chapter III, Part

IV, Division I of the Civil Code of the State of Montana, relating to the liability of railway companies for the killing or injuring of live stock", having had the same under consideration, recommend that the same be amended by striking out the words "either or" in line 2 of Section 950, and as amended, recommend that the same be concurred in.

Report adopted.

On motion of Gray, House Bill No. 298 was considered correctly engrossed.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 26, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 333, 303, 288, 352, 216, 314, 364, 369, 343, 341, and Sub. for 10-270, have been correctly printed.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, having investigated the ventilating system of the Capitol, find that the building is ventilated by a direct and indirect system. In the direct system, the air is brought in from the outside with a motor and fans is driven through the building and enters the House on either side of the Speaker's desk. The motors are so arranged that it is impossible to regulate the speed, and consequently the air currents are beyond control. In addition, the system of superheating the fresh air in cold weather is defective, from the fact that the radiators become frozen from the continued cold currents of air. We find that the fan and motor on the south side is out of commission, it being short circuited.

The direct system would be a good one if put in proper order and regulators were placed on the motors, and additional sky light ventilation provided for, there being none at the present time.

The direct system of ventilation we find very poor and has been practically abandoned.

We find further that the House Chamber and corridors have been generally overheated and insufficient attention has been given to the proper temperature. We recommend that one of the House employees be furnished with thermometers and instructed to pay especial attention to the heating and ventilating of this portion of the building and that the skylight ventilators be provided for and that the regulators and repairs be placed upon the motors at the earliest possible date.

Report adopted.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 406, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 407, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 408, read first and second times by title only, and referred to Committee on Ways and Means.

REPORT OF SELECT COMMITTEE.

The following report was read:

Helena, Montana, February 25, 1907.

Report of Special Committee appointed to investigate the car and coal shortage in the State of Montana.

To the House of Representatives, Tenth Legislative Assembly of the State of Montana:

Mr. Speaker:

We, your Special Committee, appointed to investigate the conditions relative to the coal and car shortage in Montana, beg leave to submit the following report:

On Saturday, Feb. 9th, 1907, the Committee met in the Council Chambers of the City Hall in Butte, with all of the members present and conducted the examination of witnesses from 10 A. M. until 4 P. M. The newspapers of the State, especially those of Butte and Anaconda had advertised the meeting of the Committee by editorials and conspicuous comment in their news columns, which enabled any citizen reading the papers to be informed of the meeting and its purposes. During the day six coal dealers, three railroad men, and one citizen or consumer, appeared before the Committee. The Committee also sent for and requested the presence of the City Sealer of Weights and Measures of Butte, making ten witnesses heard by it.

Coal Shortage.

From the testimony given by the coal dealers, we find that the increase in the price of coal during the past six or eight months is due entirely to the advance of coal at the mines. The mines selling coal at \$1.50 per ton six months ago are now selling the same grade of coal at \$3.00 per ton, and the mines selling at \$2.00 per ton at that time are now selling at \$3.50 per ton, showing an advance of about 100 per cent. The further testimony of the dealers, corroborated by the railroads representatives, shows that freight rates are \$2.25 per ton, and that there has been no increase in these rates during the past year. It appears that the advance in the retail price of coal has been \$1.50 per ton, or the same as the advance at the mines, therefore, from the testimony taken, we believe that neither the railroad companies nor the coal dealers are making any more profit from the handling of coal than they were one year ago, when coal was selling \$1.50 per ton cheaper. As to the continued scarcity, it is almost the unanimous opinion of the coal dealers that conditions would not change for the next year, notwithstanding the fact that a number of mines are preparing to increase their output and the railroad companies will be in a better shape to handle freight than in the immediate past. The conclusion of the dealers is based on the fact that the supply of wood is rapidly decreasing and the demand for fuel is rapidly increasing. It was generally conceded that coal could not be stored during the summer months at a profit, owing to the readiness with which western coal air-slacked, this causing a loss from 30 to 50 per cent on domestic and western coal.

Car Shortage.

Primarily, it appears the principal cause of the car shortage is lack of motive power on all the railroads. The testimony taken indicated a general

congested condition of traffic. The overcrowding of sidetracks along the main line and the large number of empty cars standing from two to six weeks at terminals awaiting return, gave evidence of the lack of locomotives. It was generally agreed that if the railroad companies had sufficient power to handle the cars they now have, and keep them in service, that the car shortage would be greatly if not entirely, relieved.

The shortage of motive power is attributed to three causes: First, the generally prosperous condition of the country; Second, the crowded and over-worked locomotive manufactories with orders booked from six months to two years in advance, and Third, the extreme cold weather of the present winter.

Consumers.

Notwithstanding that a number of complaints had been made to members of the Committee personally of the difficulty in placing orders for coal or getting it delivered, and the high price paid therefor, only one citizen or consumer appeared before the Committee. He testified that coal had advanced in the past six months \$1.50 per ton or to \$7.50, and that it was hard to secure it at this price. He did not know the causes leading up to the present condition.

Pilfering of Coal from Cars enroute or in Yards.

The coal dealers and railroad representatives were agreed that the shortage in weight on coal as received over the mine weights, was due to pilfering enroute and in the yards. It was stated that when a car was left standing on a sidetrack, men, women and boys could be seen carrying coal away in sacks and wheel-barrow. In one instance a car was placed on a siding, away from the regular railroad yards and near a residence district. In twenty-four hours about ten tons of coal had been taken from the car.

Shortage in Weights.

City Sealer of Weights and Measures, Mr. Al Orton, testified to having weighed a number of loads of coal in transit from the warehouse or cars to the consumer, and found them short from 35 to 350 pounds to the ton. Also to having tested the scales of the coal dealers and found none running over weight and the balances short in many cases. Car scales were tested and were found incorrect in some instances, and in one case had them taken out.

On Monday, Feb. 11th, the Committee made a verbal report to the House that the cost of each session would amount to from \$65 to \$75 and as the conditions found in Butte seemed to be general throughout the state, asked for further instructions from that body, with the result that it was instructed to discontinue holding meetings and submit a report on the testimony already received.

In conclusion, we believe that from the evidence received, there should be some better method of examination of the scales of our state, or a more rigid enforcement of the present laws, or the enactment of new ones to make the inspection effective. Also, the enactment of a measure to prevent pilfering of coal from the cars enroute and of the confiscation of coal by the railroad companies, without giving notice to the consignee or receiving permission from the consignor. As to the railroads we find no way of bettering the conditions owing to the fact that most of their business relates to interstate

commerce and is a matter wholly within the hands of the State Railroad Commission, and the Interstate Commerce Commission, unless it be some measure covering the demurrage situation.

Herewith attached testimony taken at the meeting.

Respectfully submitted,

W. R. ALLEN,
JNO. E. O'CONNOR,
ALEXANDER MACAULAY."

Report adopted.

The following Senate amendment to House Bill No. 116 was read:

"Amend Section 1 by striking out the following words after the words 'wheel trucks:' 'provided that this does not apply to any person, company or corporation operating a private line for private use.'"

The above Senate amendment to House Bill No. 116 was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, English, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Wendel, Wilder, Wilham and Mr. Speaker.—54.

Noes.—McManus and Warren.—2.

Absent and not voting.—Bennett of Madison, Boorman, Brewster, Cato, Duncan, Griffin, Hess, Leighton, Logan, Miller of Park, McDonald, Scallon, Shaw, Tudor, Weed, Whiteside, and Fischer.—17.

The following Senate amendments to House Bill No. 145 were read:

Amend Section 8 by striking out line 58 on page 3 and line 59 on page 4, and by inserting in line 60, before the words "be the duty" the following: "Section 8. It shall," and by striking out the word "such" appearing in line 61, and by inserting at that point the words "the next ensuing."

Amend by inserting in said line 61, after the word "election" the following: "And upon receiving a majority of all votes cast for and against it at such election it shall be declared approved." And by inserting in line 70, after the word "institutions," the following: "and to make whole the permanent funds of such institutions;" and by inserting a new section at the conclusion of said bill to be designated Section 9, as follows: "Section 9. This Act shall be in full force and effect from and after its passage and approval."

The above Senate amendments to House Bill No. 145 were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, English, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hyndman, Kroger, Kirwan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Powers, Root, Scallon, Selway, Sherman, Shaw, Thompson of Sanders, Thompson of

Fergus, Towers, Walker, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker.—52.

Noes.—Warren.—1.

Absent and not voting.—Barbour, Bennett of Madison, Boorman, Brewster, Cato, Corby, Duncan, Farmer, Fischer, Griffin, Hess, Leighton, Logan, Miles, McManus, Potter, Ross, Swindlehurst, Tudor, and Weed.—20.

The following Senate amendments to Substitute for House Bill No. 23 were read:

Amend by inserting in Section 1 above the words "Petition for Referendum," the following:

WARNING!

Any person signing any name other than his own to this petition or signing the same more than once for the same measure at one election, or who is not, at the time of signing the same, a legal voter of this State, is punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment in the penitentiary not exceeding two years or by both such fine and imprisonment;

And by inserting in Section 2 above the words "Petition for Initiative," the following:

WARNING!

"Any person signing any name other than his own to this petition or signing the same more than once for the same measure at one election, or who is not, at the time of signing the same, a legal voter of this State, is punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment in the penitentiary not exceeding two years or by both such fine and imprisonment."

Amend by adding thereto a Section as follows:

"Section 10. A Bill passed by the Legislative Assembly and referred to popular vote at the next general election, or at a special election, shall not be in effect until it is approved at such general or special election by a majority of those voting for and against it;" and to change the numbering of the Sections to correspond.

The above Senate amendments to Substitute for House Bill No. 23 were concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Decker, English, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—Warren.—1.

Absent and not voting.—Boorman, Campbell, Cato, Cutler, Duncan, Farmer, Fischer, Griffin, Hess, Leighton, Logan, Miles, Miller of Lewis and Clark, McManus, Ross, Weed.—16.

The following Senate amendments to House Bill No. 169 were read:

Amend Section 2234, line 5, by striking out after the word "and" the fol-

lowing: "defining of the Commission to fix the damages, or the decree of Court opening," and inserting in lieu thereof the following: "the order of condemnation for."

Also amend Section 2234, line 11, by striking out all of said Section after the word "interest" and inserting in lieu thereof the following: "Provided that no lands or grounds shall be taken for such temporary logging roads or banking grounds for a period of time longer than five years, and when taken for a period of time exceeding one year the amount of damage for such year shall be fixed separately and the amount fixed for each particular year must be paid on or before the first day of January of each year, and in the event that the amount so fixed for any one year not paid as herein specified then and in that event, the use of such lands shall revert to the party from whom the same is taken or to his successor in interest."

Also amend Section 2235, line 30, by inserting after the word "not" the word "finally."

Also amend by striking out all of Section 2.

The above Senate amendments to House Bill No. 169 were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Decker, English, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morris, McDonald, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Barbour, Boorman, Campbell, Cato, Cutler, Duncan, Farmer, Fischer, Griffin, Leighton, Logan, Miles, Miller of Lewis and Clark, Morgan, McManus, Potter, Scallon, Selway, Towers, Tudor, Warren, and Weed.—22.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the title to H. B. No. 82 having been amended in the Senate, and as amended agreed to, the bill is herewith returned to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

The following Senate amendment to House Bill No. 82 was read:

Amend the title by making it read as follows:

"An Act to amend Sections 2505 and 2506 of the Civil Code of the State of Montana, relating to hotels, inns, and lodging houses and providing a better protection of the guests and employees thereof from fire."

Strike out all other amendments to the title.

The above Senate amendments to House Bill No. 82, were concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miles, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Potter, Powers, Root, Ross, Scallion, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Wendel, Whiteside, Wilham and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Boorman, Campbell, Cato, Cummings, Cutler, Duncan, English, Farmer, Fischer, Gerber, Leighton, Logan, Miller of Lewis and Clark, Miller of Park, O'Connor, Patten, Seidler, Selway, Towers, Tudor, Warren, Weed, Wilder.—23.

THIRD READING OF HOUSE BILLS.

House Bill No. 298, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Decker, English, Farmer, Gerber, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Maculay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Whiteside, Wilder and Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Allen, Boorman, Cato, Duncan, Cutler, Fischer, Goff, Kroger, Leighton, Logan, Selway, Warren, Weed, Wilham.—14.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Miller of Lewis and Clark, from the Committee on Employees, reported as follows:

Helena, Montana, February 26, 1907.

Mr. Speaker:

Your Committee on Employees respectfully reports that as Hon. Nathan Godfrey has resigned as Chief Clerk, but generously offers to continue his services for the remainder of the session without pay, therefore your Committee recommends that the proposition be accepted and Mr. Godfrey continue to exercise, in the capacity of Supervisory Clerk, the authority invested in him as Chief Clerk and that Mr. C. B. Gibbs be made Chief Clerk, and that Mr. J. E. McIntyre be made Assistant Clerk, but to continue to discharge the duties of Bill Clerk.

By adoption of this report a reduction will be made in the pay roll by dispensing with the Bill Clerk.

Report adopted.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Committee on Appropriations, H. B. No. 400. A Bill for an Act mak-

ing appropriations for the Executive and Judicial Departments of the State Government for two years, namely, from February 28, 1907, to Feb. 28, 1908; and from Feb. 28, 1908, to Feb. 28, 1909.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 409, read first and second times in full, and referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:
Feb. 26, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 409, A Bill for "An Act making appropriations for the Executive and Judicial Departments of the State Government for two years, namely, from February 28, 1907, to February 28, 1908; and from February 28, 1908 to February 28, 1909," have had same under consideration and recommend that it be passed.

Report adopted.

Miller of Park, from the Committee on Education, reported as follows:
Feb. 26, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred Senate Bill No. 94, introduced by McLean, being a Bill for an Act validating the Acts of Boards of County Commissioners in establishing and locating County Free High Schools and of Boards of County Free High School Trustees in issuing bonds for the erection of High School Buildings," beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also:

Feb. 26, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred Senate Bill No. 90, introduced by Bielenberg, being a Bill for an Act prohibiting the exhibition of moving pictures wherein are exhibited the pictures of burglaries, train robberies, or any other act which would constitute a felony," beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also:

Feb. 26, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred Senate Bill No. 74, introduced by Donlan, being a Bill for an Act entitled, "An Act to amend Section 717 of the Penal Code of the State of Montana as the same is amended by Chapter 39, Laws of 1905, relating to the sale of intoxicating beverages within five miles of any railroad grade, irrigation ditch, or canal in course of construction, or on any railroad grade on which track is being laid, or within five miles of any logging camp, saw mill, mine, stone quarry,

or sheep shearing camp in operation, making exceptions as to the provisions of this Act, and defining the meaning of the words "Town" and "City" as used herein", beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also:

Feb. 26, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 240, introduced by C. B. Miller by request, being a bill for an Act entitled "An Act providing for the maintenance and care of indigent orphan children and foundlings, and making an appropriation for such purpose", beg leave to report the same back to the House with the recommendation that it be printed and placed on general orders.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 25, 1907.

Mr. Speaker:

I have the honor to transmit to your Honorable body a petition signed by sixteen hundred (1600) residents of Carbon County, Montana.

Respectfully,

H. K. HOWRY, Secretary.

Petition referred to Committee on Townships and Counties.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the following bills were introduced without previous notice and read first and second times by title only:

S. B. No. 125, by Edwards. An Act to amend Sections 3000 and 3013 of the Political Code, and the Acts amendatory thereof; relating to the appointment of a State Veterinary Surgeon, his qualifications and salary. Referred to Committee on Stock Growing and Grazing.

S. B. No. 126, by Haviland. "An Act entitled, "An Act to amend an Act approved March 5th, 1903, entitled 'An Act relating to the granting of franchises by cities and towns, and providing a submission of the question of granting any franchise to the resident freeholders whose names shall appear on the city or county tax roll preceding such elections", and providing for the extension of said franchise under certain conditions". Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 127, by Donlan, by request. A Bill for an Act to amend Sections 864, Part III, Title I, Chapter VI, Article I, Political Code of Montana, concerning the salary of the marshal of the Supreme Court. Referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has this day concurred in House amendments to the title of H. B. No. 22 and the same is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 115, 159, 188 and 208 were this day read third time and concurred in and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole, having recommended that H. B. No. 89 be not concurred in and their report having been adopted by the Senate, the same is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that S. B. No. 53 was this day read third time and passed and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Counties, Towns and Municipal Corporations, to whom was referred H. B. No. 81, having this day recommended that it be indefinitely postponed, and their report having been adopted by the Senate, the same is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 116, 145, 169, and Sub. for H. B. No. 23, having been this day read third time and concurred in as amended in the Senate are herewith returned to the House for its concurrence in the amendments.

Respectfully,

H. K. HOWRY, Secretary.

Mr. Speaker:

Helena, Montana, February 25, 1907.

I am directed by the Senate to inform your Honorable Body that

the Senate has this day concurred in House amendments to S. B. No. 8 and the same has been referred to Committee on Enrolled Bills.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 25, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were introduced and read first and second times by title only:

H. B. No. 226, by Weed. Referred to Committee on Judiciary.

H. B. No. 121, by Weed. Referred to Corporations other than Municipal.

H. B. No. 96, by Whiteside. Referred to Finance and Claims.

H. B. No. 123, by Corby and Seidler. Referred to Committee on Labor and Capital.

H. B. No. 131, by A. H. Gray. Referred to Committee on Judiciary.

H. B. No. 168, by Seidler. Referred to Committee on Education.

H. B. No. 183, by Cummings. Referred to Committee on Finance and Claims.

H. B. No. 180, by Hess. Referred to Committee on Corporations other than Municipal.

H. B. No. 212, by Weed. Referred to Corporations other than Municipal.

H. B. No. 225, by Brewster. Referred to Committee on Finance and Claims.

H. B. No. 233, by Judiciary Committee. Referred to Committee on Judiciary.

H. B. No. 246, by Hess. Referred to Committee on Judiciary.

H. B. No. 276, by Burke. Referred to Finance and Claims.

H. B. No. 285, by Gerber. Referred to Counties, Towns and Municipal Corporations.

H. B. No. 304, by Seidler. Referred to Committee on Judiciary.

H. B. No. 242, by Scallon. Referred to Counties, Towns and Municipal Corporations.

H. B. No. 271, by Allen. Referred to Corporations other than Municipal.

H. B. No. 277, by Miller of Park. Referred to Finance and Claims.

H. B. No. 153, by Leighton. Referred to Committee on Judiciary.

H. B. No. 140, by Marshall. Referred to Committee on Education.

H. B. No. 202, by Whiteside. Referred to Committee on Finance and Claims.

H. B. No. 250, by Miller of Park. Referred to Mines and Mining.

H. B. No. 80, by Allen. Referred to Roads, Highways and Bridges.

Sub. for H. B. No. 259, by Committee on Mines and Mining. Referred to Committee on Labor and Capital.

H. B. No. 146, by Weed. Referred to Corporations other than Municipal.

H. B. No. 166, by Cutler. Referred to Judiciary Committee.

H. B. No. 272, by Moore. Referred to Committee on Judiciary.

H. B. No. 181, by Moore. Referred to Committee on Libraries.

H. B. No. 267, by Seidler. Referred to Committee on Mines and Mining.

H. B. No. 149, by Weed. Referred to Committee on Corporations other than Municipal.

H. B. No. 230, by Duncan. Referred to Committee on Judiciary.

H. B. No. 204, by Blewett. Referred to Committee on Finance and Claims.

H. B. No. 176, by Blake. Referred to Committee on Judiciary.

H. B. No. 241, by Committee on Judiciary. Referred to Committee on Finance and Claims.

H. B. No. 221, by Corby. Referred to Committee on Judiciary.

H. B. No. 185, by Griffin (with accompanying petition). Referred to Committee on Public Morals.

Respectfully,

H. K. HOWRY, Secretary.

READING OF SENATE BILLS.

S. B. No. 53, read first and second times by title only, and referred to Committee on Ways and Means.

On motion by Miller of Park, the House took a recess at 12:10 P. M. until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

Seidler, from the Committee on Improvements and Manufactures, reported as follows:

Feb. 26, 1907.

Mr. Speaker:

Your Committee on Improvements and Manufactures having had under consideration H. B. No. 391, introduced by Morgan of Missoula, relating to safe and proper scaffoldings used during construction of buildings, recommend that the bill do pass.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

February 26, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 290, introduced by Miller of Park, A Bill for an Act entitled, "An Act appropriating money for the payment of a balance due on mileage allowed by law to sheriffs for transporting prisoners to the State Prison during the years of 1903 and 1904, recommend that same be indefinitely postponed and the Committee submit the following substitute: "A Bill for an Act appropriating money for the payment of a balance due on mileage allowed by law to Sheriffs for transporting prisoners to the State Prison during the years 1903 and 1904," and recommend the substitute for passage.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 403, A Bill for an Act entitled, "An Act to protect the traveling public from being compelled to eat adulterated food stuffs served in hotels and restaurants and boarding houses in the State of Montana, without having due notice thereof," having had the same under consideration, respectfully report the same back with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 331, A Bill for an Act entitled, "An Act to regulate the practice of barbering in the State of Montana, to establish a State Board of Barber Examiners, and to provide for sanitary inspection of barber shops," having had the same under consideration, respectfully report it back with the recommendation that the further consideration thereof be indefinitely postponed.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 357, A Bill for an Act entitled, "An Act to authorize and empower cities of the first class to provide and maintain a hospital for the care of emergent cases, and to provide for the support and maintenance of such hospital," having had the same under consideration, respectfully report it back with the recommendation that the same do pass.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 354, A Bill for an Act entitled, "An Act to prevent the removal or interference with the dead human bodies, when death has been caused, or there is reason to believe death has been caused, by violence or other unnatural means, without first notifying the Coroner or Justice of the Peace acting as Coroner, and to provide a penalty for violation thereof," having had the same under consideration, respectfully report it back with the recommendation that the same do pass.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 291 correctly engrossed.

Miller of Lewis and Clark, from the Committee on Employees, reported as follows:

Mr. Speaker:

Your Committee on Employees would respectfully report that it has come to its knowledge that Door-keeper Greene is sick with measles and recommend that Janitor Capt. J. Schmidt be assigned to that duty until Mr. Greene's recovery."

THIRD READING OF HOUSE BILLS.

House Bill No. 291, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, English, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Leighton, Logan, Longstaff, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Boorman, Cato, Duncan, Farmer, Griffin, Kirwan, Kroger, Manchester, Moore, McDonald, Root, Selway, Tudor, Warren, Weed.—15.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Allen, from the Committee on Ways and Means, reported as follows:
Mr. Chairman:

We, your Committee on Ways and Means, having had under consideration House Bill No. 342, introduced by Gray, being a Bill for an Act entitled, An Act to empower the County Commissioners to employ some suitable person to investigate and report for assessment any property of persons or corporations that has escaped taxation, report the same back with the recommendation that it be amended as follows: In line 3 of Section 4, strike out the word "forty" and insert in lieu thereof the word "twenty," and with this amendment recommend that it do pass.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 297, introduced by Marshall, being a Bill for an Act entitled, An Act to amend Chapter XII, of Title X, of Part III, of the Political Code, by adding thereto a section to be known as Section Number 4027, beg leave to recommend the same back for passage.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 400, introduced by Thompson, being a Bill for an Act entitled, An Act to repeal Sections 4073 and 4076 of the Political Code of the State of Montana, relating to licenses and to repeal Section 4075 of the same code, as amended by the Act approved March 6th, 1897, relating to licenses, beg leave to report same back to the House with the recommendation that it be indefinitely postponed on account of the fact that Senate Bill No. 11 covers the same question. Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. B. No. 398, introduced by McManus, being a Bill for an Act entitled, An Act to be known as the "no-treat" law to prevent the contamination or other evil influence of the treat habit, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed on account of doubt as to its constitutionality.

On motion by Marshall, the report was received and House Bill No. 398 was ordered printed and placed on General Orders.

Ross, from the Committee on Labor, reported as follows:

Helena, Montana, February 26, 1907.

Mr. Speaker:

Your Committee on Labor, having had under consideration House Bill No. 401, introduced by Griffin, being a Bill for an Act entitled: "An Act to prescribe the hours of labor for prison guards employed at the State Prison, and providing penalties for the violation thereof." beg leave to recommend that same do pass.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration Senate Bill No. 81, introduced by Miles, being a Bill for an Act entitled, An Act providing for the parole of prisoners confined in the state prison, and authorizing the State Board of Commissioners to grant paroles to certain prisoners, subject to certain conditions and regulations to be provided for by the said State Board, beg leave to report same back with the recommendation that it be not concurred in.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 260, introduced by Miller, being a Bill for an Act entitled, An Act repealing Article XV, Chapter III, Part III, Title I, Sections 580 to 590 inclusive, of the Political Code of Montana, and providing for the qualification, appointment, salary and expense of the State Inspector of Mines, and for the appointment, salary and expense of deputy mine inspector providing the inspection fees for the inspection of mines and for the payment and collection of the same; and providing the duties of the State Mine Inspector of Mines, beg leave to report the same back with the recommendation that it be indefinitely postponed.

Report adopted.

Brownlee, from the Committee on Townships and Counties, reported as follows:

February 26, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 358, introduced by Campbell, being a Bill for an Act entitled "An Act to amend Section 3960, Chapter 10, Title 10, Part 3, of the Political

Code of the State of Montana, relating to poll tax," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also:

February 26, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 98, introduced by Cowgill, being a Bill for an Act entitled "An Act authorizing the Board of County Commissioners in each County to allow County Officers a greater number of deputies than the maximum number of deputies allowed by law, when, in the judgment of the Board of County Commissioners, such greater number of deputies is needed for the proper conduct of the business of any county office, and to fix the salary of such deputies appointed in excess of the maximum allowed by law," beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also:

February 26, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 96, introduced by Rowney, being a Bill for an Act authorizing Boards of County Commissioners to vacate parks, boulevards and other public grounds in plats of unincorporated townsites, upon petition of interested freeholders, beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

February 26, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred Substitute for House Bill No. 390, being a Bill for an Act entitled: "An Act appropriating money for the payment of a balance due on mileage allowed by law to sheriffs for transporting prisoners to the State Prison, during the years of 1903 and 1904," report same back with the recommendation that it do pass.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 26, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate having voted to reconsider its action in regard to House Bill number 89, the House is herewith requested to return the same for further consideration.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 26, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 39, 285 and Substitute for House Bill number 45 were this day concurred in by the Senate and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 26, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced without previous notice and read first and second times:

Senate Bill No. 128, by Long. A Bill for an Act to procure and preserve a uniform system of indexing and cross-indexing the session laws of the State of Montana. Referred to Committee on Judiciary.

Senate Bill No. 129, by Rae. A Bill for an Act entitled an Act authorizing the State Furnishing Board to purchase cabinets for the department of State Mine Inspector and State Coal Mine Inspector and appropriating money to pay for the same. Referred to Committee on Finance and Claims.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 26, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution number 5, by Edwards, relating to dismissal of suits against the State Treasurers, was this day introduced and adopted by the Senate, and is herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

S. J. R. No. 5 referred to Committee on Ways and Means.

MOTIONS AND RESOLUTIONS.

By Whiteside:

Resolved, that the House, and Senate concurring, suspend the joint rules for the purpose of directing the Joint Steering Committee to place House Bill No. 245, being an Act to provide for the nomination of all officers, including U. S. Senators, by direct vote of the people, at the head of General Orders for Wednesday next.

Marshall moved to lay the resolution on the table.

Roll was called and the motion to lay on the table was carried by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Campbell, Cameron, Corby, Decker, English, Gerber, Greene, Griffin, Hess, Hyndman, Kroger, Marshall, Maxwell, Miller of Park, Morgan, Macaulay, Patten, Potter, Root, Seidler, Thompson of Sanders, Walker, Wendel.—30.

Noes.—Barbour, Blewett, Cluston, Cutler, Fischer, Goff, Kirwan, Leighton, Logan, Longstaff, Manchester, Miles, Miller of Lewis and Clark, Moore, Morris, McDonald, McManus, O'Connor, Powers, Ross, Shaw, Sherman, Swin-

Swindlehurst, Thompson of Fergus, Towers, Warren, Whiteside, Wilder and Wilham.—20.

Absent and not voting.—Boorman, Burke, Cato, Cummings, Duncan, Farmer, Gray, Harbordt, Harden, Scallon, Selway, Tudor, Weed, and Mr. Speaker.—14.

Whiteside offered the following resolution:

Resolved, that the House and Senate concurring suspend the joint rules for the purpose of directing the Joint Steering Committee to place House Bill No. 244, being An Act to prohibit the use of free railroad passes by State, County and Judicial Officers, and members of the Legislature, at the head of General Orders for Wednesday next.

Motion by Allen that the Resolution be laid on the table.

Roll was called and the motion to lay on the table was carried by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Plake, Brewster, Brownlee, Campbell, Cameron, Corby, Cummings, Cutler, Decker, English, Gerber, Greene, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, McDonald, Macaulay, Patten, Potter, Root, Ross, Seidler, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Wendel and Mr. Speaker.—44.

Noes.—Barbour, Blewett, Burke, Cluston, Fischer, Longstaff, Miles, Miller of Park, McManus, O'Connor, Powers, Sherman, Swindlehurst, Warren, Whiteside, Wilder, Wilham.—17.

Absent and not voting.—Boorman, Cato, Duncan, Farmer, Goff, Gray, Kirwan, Morris, Scallon, Selway, Tudor, Weed.—12.

Motion by Corby that the action taken on Senate Bill No. 81 be reconsidered. Motion carried.

On motion by Allen, Senate Bill No. 81 was re-referred to Committee on Ways and Means.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 65, introduced by Sanders, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 41, introduced by Committee on Finance and Claims, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 42, introduced by Donlan, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 46, introduced by White, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 55, introduced by Romney, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 62, introduced by Edwards, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by striking out in line 5 the word "six" and substituting therefor the word "three."

Also having had under consideration Senate Bill No. 60, introduced by Annin, reports same back to the House with the recommendation that it be concurred in as amended as follows:

Amend Section 4 by inserting in line 50, after the word "court" the following: "and the court may also appoint an attorney to represent said child."

Amend Section 8, line 115, by striking out the words and figures "five hundred dollars (\$500) and inserting in lieu thereof the following words and figures: "six hundred dollars (\$600)."

Amend by striking out all of Section 17.

Also having had under consideration Senate Bill No. 61, introduced by Annin, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 3, lines 36 and 37 by striking out the following words: "in counties of the first, second and third class."

Amend Section 8, line 134, by inserting after the words "board" where it appears the second time in said line, the following: "of managers of such institution."

Also having had under consideration House Bill No. 160, introduced by Wendel, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by inserting between the words "That" and "an," in the first line, the following: "Section 1 of." Also amend the title by inserting between the words "amend" and "An," in the first line, the following: "Section 1 of."

Also having had under consideration House Bill No. 196, introduced by Swindlehurst, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 6 the words "personal property" and inserting in lieu thereof the words "any commodity,"

Amend Section 3 by striking out after the word "otherwise" to the end of Section.

Amend Section 14 by adding after the word "wages" in line 130, the following: "Nor shall the word "commodity" as used in this Act, be construed to include labor."

Also having had under consideration House Bill No. 256, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

McManus in the chair.

House resumed.

Mr. Speaker in the chair.

McManus, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 179, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 300, introduced by Macaulay, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by striking out the word "compensation" and inserting in lieu thereof the word "expenses."

Substitute for Sections 1 and 2 the following:

Section 1. The Governor, Secretary of State and State Auditor, and their successors in office, are hereby created and constituted the State Board of Voting Machine Commissioners. It shall be the duty of said Board to examine all voting or ballot machines in order to determine whether such machines comply with the requirements of this Act, and can safely be used by voters at elections under the provisions of this Act, and no machine or machines shall be provided or used at any election in this state unless said machine or machines shall have received the approval of a majority of said Board as herein provided. Said Board may employ two qualified mechanics, who shall be qualified electors of the State of Montana, to examine said machines and assist said Board in the discharge of its duties under this Act, the compensation to be paid such qualified mechanics not to exceed the sum of ten dollars each for each day actually employed. Any machine or machines which shall have the approval of a majority of said Board may be provided for in this Act. The report of said Board on each and every kind of voting machine shall be filed with the Secretary of State within thirty days after examining the machines, and the Secretary of State shall within five days after the filing of any report approving any machine or machines, transmit to the Board of County Commissioners, City Council, or other board of officers having charge and control of elections in each of the counties and cities of this state, a list of the machines so approved. No machine or machines shall be used unless they shall have received the approval of the State Board at least sixty days prior to any election at which such machine or machines are to be used.

The compensation of the mechanics and all other expenses connected with the examination of any machine shall be paid, or caused to be paid, by the person or company submitting a machine for examination before the filing of the report thereon. The amount of such expenses shall be certified by the State Auditor and paid to the State Treasurer.

Amend Section 3 by striking out in line 35 all after the word "system," all of line 36, and in line 37 up to the word "must."

Amend Section 4 by striking out in line 56 the word "first" and inserting in lieu thereof the word "tenth."

Amend Section 5 by striking out in line 60, after the word "provided" the words, "for in such manner;" and all of lines 61 and 62, and substituting in lieu thereof the words, "by the issuance of interest bearing bonds, certificates of indebtedness, or other obligation, which will be a charge upon such county, city or town; such bonds, certificates, or other obligation may be made payable at such time or times not exceeding ten years from the date of issue, as may be determined, but shall not be issued or sold at less than par."

Amend Section 5 by adding in line 61, the word "they" after the word "and."

Amend Section 6 by striking out in line 66, 69 and 76 the word "Inspectors" and inserting in lieu thereof the word "Judges."

Amend Section 7 by striking out in line 77 the words "Election Board" and inserting in lieu thereof the words "Judges of Election."

Amend Section 7 by striking out in line 80 the words "Statutes of 1901" and inserting in lieu thereof the words "Political Code."

Amend Section 7 by striking out in line 84 the words "Statutes of" after the word "Section" and inserting in lieu thereof the words "66 of the Penal Code."

Amend Section 8 by striking out in lines 89 and 90 the words "Statutes of 1901," and inserting in lieu thereof the words "Political Code."

Amend Section 8 by striking out in line 102 the word "Inspectors" and inserting in lieu thereof the word "Judge."

Amend Section 9 by striking out in line 103 the words "Inspectors of each election precinct" and inserting in lieu thereof the words "City or County Clerk of each City or County."

Amend Section 9 by striking out in lines 108 and 109 the words "who shall be paid the same compensation as the Inspectors."

Amend Section 9 by striking out in line 112 the word "Inspectors," and inserting in lieu thereof the word "Judges."

Amend Section 11 by striking out in line 130 the word "Inspectors" and inserting in lieu thereof the word "Judges."

Amend Section 12 by striking out in lines 136 and 140 the word "Inspectors" and inserting in lieu thereof the word "Judges."

Amend Section 12 by adding in lines 142 and 145, after the word "the" the words "City or."

Add to Section 12 the following:

The officers heretofore charged with the duty of furnishing tally sheets and return blanks shall furnish suitable return blanks and certificates to the officers of election. Such return sheets shall have each candidate's name designated by the same reference character that said candidate's name bears on the ballot labels and counters, and shall make provision for writing in of the vote for such candidate in figures, and shall also provide for the writing in of the vote in words.

Such return sheet shall also provide for the return of the vote on questions. It shall also have a blank thereon, on which can be marked the precinct, ward, etc., of which said return sheet bears the returns and the number and make of the machine used.

Said return sheet shall also have a certificate thereon, to be executed

before the polls open by the Judges of Election, stating that all counters except the protective counter, if any, and except as otherwise noted thereon stood at "000" at the beginning of the election, and that all of said counters had been carefully examined before the beginning of the election; that the ballot labels were correctly placed on the machine and corresponded to the sample ballot, and such other statements as the particular machine may require; and shall provide for the signature of the Election Officers.

Said return sheet shall also have thereon a second certificate stating the manner of closing the polls, the manner of verifying the returns, that the foregoing returns are correct, giving the indication of the public counter, and poll list, and protective counter, if any, at the close of the election.

Such certificate shall properly specify the procedure of canvassing the vote and locking the machine, etc., for the particular type of machine used, and such certificate shall be such that the election officers can properly subscribe to it as having been followed and shall have provision for the signature of the election officers. The election officers shall conform their procedure to that specified in the certificate, to which they must certify. The certificate and attest of the election officers shall appear on each return sheet.

Amend Section 15 by striking out in line 164 the words "an Inspector" and inserting in lieu thereof the words "a Judge."

Amend Section 17 by striking out in line 177 the word "Inspector" and inserting in lieu thereof the word "Judge."

Amend Section 18 by adding thereto the following: "If from any cause a machine becomes unworkable or unfit for use, voting shall proceed as in cases where machines are not used and the county clerk must furnish each voting place with the supply of ballots and other supplies required by the election laws to be used in the case of emergency herein provided for, and in such case only."

Amend Section 19 by striking out in lines 189 and 190 the words "Its passage and approval" and inserting in lieu thereof the words and figures "July 1st, 1907."

Report adopted.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit House Bills Nos. 315, 302, 313, 253, 300, 156, 325, Sub. for H. B. 281, and Sub. for H. B. 50, correctly engrossed."

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Harbordt in the chair.

House resumed.

Mr. Speaker in the chair.

Harbordt, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House

Bill No. 261, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 135, introduced by Shaw, reports same back to the House with the recommendation that it be re-referred to General Orders.

Also having had under consideration House Bill No. 328, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 317, introduced by Whiteside, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by striking out the word "ladder" and inserting in lieu thereof the word "way".

Amend Section 1 by striking out in line 2 the word "ladder" wherever it appears, and inserting in lieu thereof the word "way".

Amend Section 2 by striking out in lines 3, 6 and 7, the words and figures "Three Hundred Dollars (\$300.00), and inserting in lieu thereof the words and figures "Five Hundred Dollars (\$500.00)."

Amend Section 1 by adding thereto the following: "Said fish way may be constructed by the excavation of a suitable channel, or in any other manner best calculated to subserve the purpose for which the same is intended."

Also having had under consideration House Bill No. 251, introduced by Allen, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 293, introduced by Allen, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 194, introduced by Cummings, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 1 the word "two" and inserting in lieu thereof the word "eight".

Also having had under consideration House Bill No. 353, introduced by Allen, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by adding at the end of said Section the following: "which said sums shall be in full of all emoluments and fees and all interest in public funds and other funds received by his office shall be accounted for and covered into the Treasury of the State".

Also having had under consideration House Bill No. 296, introduced by

Cameron, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in lines 20 and 21 the words "Two Thousand One Hundred" and inserting in lieu thereof the words "Eighteen Hundred".

Also having had under consideration House Bill No. 258, introduced by Goff, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 308, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

The house adjourned at 6:30 P. M.

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

FIFTY-SECOND DAY

Wednesday, February 27, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cato, Duncan, English, Kirwan and McDonald. Cato and Duncan excused.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Tuesday, February 26, and believe the same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

A petition signed by 800 residents of Clark's Forks Valley, relative to creation of Daly County, received and referred to Committee on Townships and Counties.

REPORTS OF STANDING COMMITTEES.

Logan, from the Committee on Fish and Game, reported as follows:

Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration House Bill No. 327, A Bill for an Act entitled "An Act to promote the propagation of Fish and Game, and to provide for the appointment of County Game and Fish Commissioners", report same back with the following amendments.

By striking out in Section 1, in line 5, after the word "Years", the following: "Provided that the members composing the first Commission shall hold office for two, three and four years, respectively, and the Governor in making such appointments shall designate the term of each member".

Also by striking out all of Section 4, and inserting in lieu thereof the following: "All claims authorized by the Game and Fish Commission of any county, shall be fully itemized and sworn to by the claimant and presented to said commission who must endorse their approval thereon over the signatures of at least two of the members of said commission and must then be transmitted to the State Board of Examiners who must audit the same and if approved by said Board of Examiners must be paid by the State Treasurer upon warantes drawn by the State Auditor against the special fund, credited to the County in which such claims were authorized to be incurred", and recommend that the same be printed and placed on general orders, as amended.

Report adopted.

McManus, from the Committee on Mines and Mining, reported as follows:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

We, your Committee on Mines and Mining, having had under consideration House Bill No. 348, introduced by Scallon, being a Bill for an Act entitled An Act relating to the liability of the employer to the employee in underground mines, smelting works, concentrators, coal washers, factories and mills, report the same back with the recommendation that same do pass.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 27th day of February, 1907:

House Bill No. 150. "An Act to amend Section 3162 of the Code of Civil Procedure as the same was amended by an Act of the Fifth Legislative Assembly of the State of Montana, approved February 19th, 1897, relating to witnesses.

House Bill No. 208. "An Act appropriating money for the payment of deficiency claim in connection with the office of Attorney General.

House Bill No. 115. An Act for the better protection of employes, and for preventing superintendents, foremen, assistants, bosses, or any other persons from receiving or soliciting any sum of money or valuable consideration, for, or on account of, employing, or continuing to employ any person, or promising or agreeing so to do, and providing penalties for violations of this act.

House Bill No. 188. "An Act creating a County Board of Educational Examiners, providing for their appointment, fixing their compensation, and prescribing their qualifications and duties."

Mr. Speaker announced that he was about to sign House Bills 159, 208, 115, and 188, and signed the same in the presence of the House.

Weed, from the Committee on Insurance, reported as follows:

Mr. Speaker:

Your Committee on Insurance, to whom was referred House Bill No. 247, introduced by Weed, entitled, "A Bill for an Act to provide for the admission of mutual hail, cyclone and tornado insurance companies or associations organized under the laws of another state", beg leave to

report that they have had the said bill under consideration, and report the same back with the recommendation that it do pass.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Insurance, to whom was referred House Bill No. 20, introduced by Brownlee, entitled: "A Bill for an Act prohibiting deductions for depreciations from any cause after loss, and adding a Section to be numbered 3504, to division 3 part 4, chapter 9 of the Civil Code of Montana, relating to loss of property insured," beg leave to report that they have had the same under consideration, and report the same back with the recommendation that it be indefinitely postponed.

Report adopted.

Bennett, from the Committee on Appropriations, reported as follows:

Feb. 27, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 307, A Bill for an Act entitled: "An Act appropriating the sum of Five Thousand Dollars, or so much thereof as may be necessary, for the installation of a power plant in connection with the State Capitol Building for the generation of electricity to supply the State Capitol", have had the same under consideration and recommend that it be indefinitely postponed.

Report adopted.

Also:

Feb. 27, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 402, introduced by Goff, "A Bill for an Act appropriating money for the repairing of the roof of the State Arsenal at Helena, Montana", recommend that the same do pass.

Report adopted.

Also:

Feb. 27, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 340, A Bill for "An Act making appropriations to pay the salaries of Meat and Milk Inspectors for the State of Montana for the years 1907 and 1908, and appropriating one thousand dollars for 1907 and one thousand dollars for 1908 for the payment of actual expenses incurred by the Meat and Milk Inspection Commission", have had the same under consideration and recommend that same be indefinitely postponed.

Report adopted.

Also:

Feb. 27, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 373, A Bill for an Act entitled: "An Act appropriating the sum of Five Thousand Dollars, or so much thereof as may be necessary for the construction of a brick sidewalk on the State Capitol Grounds", have had the

same under consideration and recommend that it be indefinitely postponed.

Motion by Bennett that report be adopted.

Substitute motion by Shaw that report be received and that House Bill No. 373 be printed and placed on General Orders. Substitute motion prevailed.

Also:

Feb. 27, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 170, introduced by Whiteside, "An Act to authorize and direct the Executive Board of the Montana Agricultural College to establish a sub-station for the purpose of carrying on experiments in Horticulture and to appropriate money therefor", recommend that the same do pass.

Report adopted.

INTRODUCTION OF BILLS.

By two-thirds vote, Marshall was permitted to introduce the following bill without previous notice:

By Marshall by request, H. B. No. 410. A Bill for an Act to repeal Section 4061 of the Political Code of Montana, relating to licenses.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 410, read first and second times by title only, and referred to Committee on Ways and Means.

MOTIONS AND RESOLUTIONS.

Blake moved to reconsider the action taken on H. B. No. 248, whereby it was made special order for March 7th. Motion carried.

Motion by Allen, that House Bill No. 248 be re-referred to Steering Committee. Motion carried.

Shaw offered the following resolution:

Helena, Montana, February 26, 1907.

"Whereas, a great demand has arisen for copies of House Bill No. 1, the Railroad and Warehouse Commission measure; and

Whereas, because of the great general interest therein, every resident of the State being directly or indirectly concerned;

Therefore Be It Resolved, that the Legislative Printing establishment be and is hereby directed to publish one thousand copies thereof in pamphlet form, the same to be delivered to the Secretary of State for distribution."

Roll was called and Resolution defeated by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Cummings, Cutler, Farmer, Goff, Greene, Hyndman, Kroger, Leighton, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morris, McManus, Macaulay, Root, Ross, Scallon, Shaw, Thompson of Fergus, Walker, Weed, Wendel, and Mr. Speaker.—28.

Noes.—Bennett of Madison, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Corby, Cluston, Decker, Fischer, Gerber, Gray, Griffin, Harbordt,

Hess, Longstaff, Manchester, Miles, Moore, Morgan, O'Connor, Patten, Potter, Powers, Selway, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Whiteside, Wilder, Wilham.—34.

Absent and not voting.—Brownlee, Cameron, Cato, Duncan, English, Harden, Kirwan, Logan, McDonald, Seidler, Tudor.—11.

REPORTS OF STANDING COMMITTEES.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 385, entitled "A Bill for an Act entitled "An Act to amend Sections 3070, 3071, 3072, and 3076, of the Political Code of Montana, as amended by an Act approved March 6th, 1903, relating to the bounties for the killing of certain wild animals, approved March 1st, 1905," recommend that said bill be printed and placed on general file.

The author of the bill stated that one purpose of the bill was to prevent the State holding out a promise to pay bounties if it had no funds with which to pay them and was not able to discharge the obligation. In connection with this bill, your committee requested from the Attorney General an opinion regarding the validity of the statutes providing for special assessments on live stock, which opinion is herewith returned as a part of this report, and to which opinion we respectfully invite the attention of the House. It appears from said opinion that it is doubtful whether taxes can be levied on a particular class or species of property as distinguished from others; but assuming that such taxes can be levied, they must, if levied for state purposes, be counted as a part of the two and a half mills allowed by law for state purposes."

Helena, Montana, February 26, 1907.

"Hon. William Scallon, Chairman Judiciary Committee, House of Representatives, Helena, Montana.

"Dear Sir: I am in receipt of your favor of the 22nd inst., submitting for the consideration of this office the question as to 'the constitutionality of the special levies now provided by the statutes on live stock, the State levy for general State purposes now being two and one-half mills.'

Section I of Article 12 of our State Constitution confers authority upon the Legislative Assembly to provide for the support and maintenance of the State, and makes it the duty of that department of the State Government to levy a uniform rate of assessment and taxation and to prescribe regulations for securing a just valuation for taxation of all property not otherwise provided for. Section 5 of the same Article specifically provides that the Legislative Assembly shall not levy taxes for county, town or municipal purposes, and it is therefore apparent that the only tax which the Legislative Department of the State Government can levy is a tax for State purposes; and Section 9 of the same Article limits the rate for such purposes under the present assessed valuation of the State to two and a half mills on each dollar of valuation. Section 34, Article 5 of the Constitution provides "No money shall be paid out of the Treasury except upon appropriations

made by law," while Section 12, Article 12, prohibits the Legislature from making any appropriations or authorizing any expenditure whereby the expense of the State during any fiscal year shall exceed the total tax provided by law, and also prohibits the Legislature from increasing the levy in excess of the rates allowed by Section 9. An exhaustive discussion on this subject may be found in the opinion in *People Ex Rel vs. Scott*, 9 Col. 422, wherein the court said in part: (On page 430.)

"If then, any definition of the term 'State purposes' is necessary to a decision of the questions presented by the defense of the Respondent it is to be found in the revenue article itself. Any legitimate expenditure of the State necessary to be provided for by a State tax is a State purpose, and the tax to be provided is a tax for a State purpose. It has been repeatedly stated in the decisions of this court, on evidence deemed by us sufficient to justify the statement, that a principal design of the framers of the Constitution, and of the people in adopting the same, was to inaugurate an economical State Government, and in order to carry out this purpose limitations against extravagance in the administration of it were inserted. Now, with such a purpose in view, how essentially unavailing it would be to limit the rate of taxation as to certain governmental purposes and to leave it without restraint or limitation as to all other purposes for which revenue may be provided."

The special tax must therefore be considered as constituting a part of the two and a half mill levy authorized by the Constitution.

As to whether one class; of property could be subjected to a higher rate than other classes under the provisions of Sections 1 and 12 of the State Constitution, provided the highest rate did not exceed the limitation prescribed in Section 9 of that Article, is a question of sufficient doubt to justify its submission to the Supreme Court, for the reason that the authorities are in conflict and no decision on that subject has ever been rendered by the Supreme Court of Montana. The general rule, however, as deduced from the authorities, appears to be "Whether the constitutional provision requires uniformity in the imposition of taxes, in which case taxing classes at different rates is permitted, or whether such provisions provide for equality and uniformity, in which case the rate imposed on each class selected for taxation must be identical. such provisions unite in requiring that each member of a class in the one case, or each member of the classes in the other case, must proportionately bear its burden with each and every other member of the class or classes respectively as the case may be."

27 Am. & Eng. Ency. Law, 602.

The system adopted in other states as Washington, California, Idaho, and Wyoming, is to either make appropriations out of the general fund of the State Treasury for paying bounties, etc., or under constitutional provisions similar to Section 4, Article XII, of our Constitution, to vest in the County Commissioners authority to levy taxes for such purposes, in which case the bounty would be paid from the County Treasury instead of from the State Treasury. North Dakota has a law similar to the one now on our statute

books, but it does not appear to ever have been before the court for interpretation or consideration as to its constitutionality.

Respectfully submitted,

ALBERT J. GALEN, Attorney General."

Report adopted.

The report of Miller of Park, Chairman of the Committee of the Whole of yesterday, was read.

On motion by Cameron, report on House Bill No. 296 was segregated from the rest of the report.

On motion by Cameron, House Bill No. 296 was ordered placed on General Orders.

Report of Committee of the Whole was then adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 42, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Allen, Campbell, Cameron, Cato, Duncan, English, Harden, Kirwan, Leighton, Maxwell, McDonald, Ross, Selway, Tudor.—14.

Title agreed to.

Senate Bill No. 60, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—62.

Noes.—None.

Absent and not voting.—Allen, Barbour, Cato, Duncan, English, Griffin, Harden, Kirwan, Leighton, Moore, McDonald. 11.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

"Executive Office, Helena, Montana, February 26, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

The following House Bills have been approved and deposited with the Secretary of State:

No. 134. An Act to allow traveling expenses of County Superintendents of Schools.

Sub. for H. B. No. 47. An Act prohibiting any State officer, State Board of Trustees, State Managers or Commissioners from contracting any liability or indebtedness for any purpose whatever in excess of the amount appropriated for the office, institution or commission, or organization under his or their control or management, without the previous authority of the State Board of Examiners.

No. 236. An Act to amend Section 637 of the Code of Civil Procedure of the State of Montana, relating to publication of summons.

No. 123. An Act defining the status of persons soliciting life insurance.

No. 232. An Act to amend Section 1080 of the Code of Civil Procedure of Montana, and to repeal an Act approved Feb. 15, 1901, relating to method of procedure in the trial of civil actions and review by the Supreme Court of errors in instructions.

No. 132. An Act to prohibit misrepresentations by life insurance companies.

No. 237. An Act to amend Sections 1736, 1738, and 1739, of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court.

No. 210. An Act appropriating money for the payment of deficiency claims of the State encampment of 1905 of the National Guard of Montana.

No. 207. An Act appropriating money for the payment of deficiency claims, account of Supreme Court.

No. 213. An Act relating to the provisions of life insurance policies.

No. 235. An Act to amend Section 1172 of the Code of Civil Procedure of Montana, to amend Section 1173 of the Code of Civil Procedure of Montana, as amended by an Act of the Ninth Legislative Assembly, entitled "An Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana," approved March 4, 1905, and to amend Sections 1174 and 1176 of the Code of Civil Procedure of Montana, relating to practice on motion for new trial.

No. 234. An Act relating to bills of exceptions and statements of the case, providing that the exceptions of the prevailing party shall be incorporated therein, and providing for review by the Supreme Court on appeal of such exceptions and the orders and rulings relating thereto.

No. 167. An Act to add to Chapter 4, Title 5, Part 2, Code of Civil Procedure, a section to be known as Section 644, providing the time within which returns on summons and other process and orders must be made and filed after service.

No. 174. An Act providing for the redemption and payment of county, school district, city and town bonds, held by the State before the maturity thereof.

No. 217. An Act to provide for the support of the government of the State of Montana for the years 1907 and 1908.

No. 200. An Act appropriating money for the payment of deficiency claims in maintenance of Capitol Building.

No. 164. An Act to amend Section 846 of the Penal Code of the State of Montana.

J. K. TOOLE, Governor.

THIRD READING OF SENATE BILLS.

Senate Bill No. 61, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Brewster, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark; Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—62.

Noes.—None.

Absent and not voting.—Barbour, Cato, Duncan, English, Kirwan, Leighton, Miller of Park, McDonald, Scallon, Warren, Moore.—11.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment, report the following bills as correctly enrolled this 27th day of February, 1907:

House Bill No. 145. "An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions and also to make whole the permanent funds of the various State Educational Institutions."

House Bill No. 285. An Act to amend Section 4807 of the Political Code, relating to the contracts of Municipal corporations.

House Bill No. 39. An Act authorizing City and Town Councils to provide for and regulate the inspection and measuring of gas and of electric light and power.

House Bill No. 169. "An Act to amend Part III, Title VII, of the Code of Civil Procedure by adding thereto Sections 2234 and 2235, relating to the taking of land for temporary banking grounds or for temporary logging roads; requiring that the length of time for which such lands are taken and the dates shall be fixed by the Capital Commission or Court and that after the expiration of such time the said lands shall revert to the party from whom the lands were taken; requiring that any lessee of such lands be made party to any such action and empowering the Court to apportion any compensation to be received between the various parties in interest."

Mr. Speaker announced that he was about to sign House Bills Nos 145, 285, 39 and 169, and signed the same in the presence of the House.

THIRD READING OF SENATE BILLS.

Senate Bill No 65, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Gerber, Goff, Greene, Gray, Harbordt, Hess, Logan, Manchester, Marshall, Maxwell, Miles Miller of Park, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Whiteside, and Mr. Speaker.—45.

Noes.—Allen, Bennett of Madison, Blake, Burke, Farmer, Fischer, Griffin, Harden, Hyndman, Kroger, Leighton, Longstaff, Miller of Lewis and Clark, Moore, Root, Shaw, Sherman, Swindlehurst, Warren, Weed, Wilder, and Wilham.—22

Absent and not voting.—Barbour, Cato, Duncan, English, Kirwan, McDonald, —6.

Title agreed to.

Senate Bill No. 41, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cutler Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, Campbell, Cato, Corby, Cummings, Duncan, English, Harden, Kirwan, Kroger, McDonald, Powers, Warren, and Wilham.—15.

Title agreed to.

Senate Bill No 46, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Campbell, Cameron, Corby, Cluston, Cutler, Decker, Gerber, Goff, Greene, Gray, Harbordt, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, McManus, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Wilham, and Mr. Speaker.—50.

Noes.—Allen.—1.

Absent and not voting.—Beckwith, Blewett, Brewster, Brownlee, Burke, Cato, Cummings, Duncan, English, Farmer, Fischer, Griffin, Harden, Hess, Kirwan, Logan, Morgan, Morris, Macaulay, McDonald, Warren, Whiteside.—22.

Title agreed to.

Senate Bill No. 55, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Bennett of Madison, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Burke, Campbell, Corby, Cluston, Cutler, Decker, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller, of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Cameron, O'Connor, Patten, Potter, Powers, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Warren, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—55.

Noes.—None.

Absent and not voting.—Beckwith, Blake, Blewett, Cato, Cummings, Duncan, English, Farmer, Griffin, Harden, Kirwan, Leighton, McDonald, Macaulay, Root, Seidler, Walker, Whiteside,—18.

Title agreed to.

Senate Bill No. 62, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Decker, Farmer, Fischer, Gerber, Greene, Harbordt, Hess, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, McManus, Patten, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham, and Mr. Speaker.—49.

Noes.—None.

Absent and not voting.—Blake, Blewett, Cato, Cluston, Cummings, Cutler, Duncan, English, Goff, Gray, Griffin, Harden, Kirwan, Hyndman, Leighton, Miller of Park, McDonald, Macaulay, O'Connor, Potter, Powers, Root, Seidler, Whiteside.—24.

Title agreed to.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 50, having been read three several times was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harden, Hess, Hyndman, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Morgan, Morris, McManus, Patten, Powers, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Wendel, Wilder, Wilham, and Mr. Speaker.—48.

Noes.—None.

Absent and not voting.—Blake, Blewett, Cato, Cummings, Cutler, Duncan, English, Griffin, Harbordt, Kirwan, Kroger, Logan, Miller of Lewis and Clark, Miller of Park, McDonald, Macaulay, O'Connor, Potter, Root, Seidler, Tudor, Warren, Weed, Whiteside, Moore.—25.

Title agreed to.

House Bill No. 156, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Moore, Morgan, Morris, McManus, Macaulay, Patten, Powers, Ross, Scallon, Selway, Shaw, Thompson of Sanders, Towers, Walker, Wendel, and Mr. Speaker.—44.

Noes.—Maxwell, O'Connor, Warren, Wilder and Wilham.—5.

Absent and not voting.—Barbour, Blake, Blewett, Campbell, Cato, Corby, Cutler, Duncan, English, Griffin, Harbordt, Kirwan, Miles, Miller of Park, McDonald, Potter, Root, Seidler, Sherman, Swindlehurst, Thompson, of Fergus, Tudor, Weed, Whiteside.—24.

Title agreed to.

House Bill No. 253, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Warren, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—McManus.—1.

Absent and not voting.—Barbour, Blake, Campbell, Cato, Cutler, Duncan, English, Harbordt, Kirwan, Miller of Park, McDonald, Potter, Root, Towers, Tudor, Weed.—16.

Title agreed to.

Substitute for House Bill No. 281, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Fischer, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McManus, Macaulay, Patten, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—55.

Noes.—Warren.—1.

Absent and not voting.—Allen, Barbour, Campbell, Cato, Duncan, English, Gerber, Gray, Griffin, Kirwan, Leighton, Morgan, McDonald, O'Connor, Potter, Root, Weed.—17.

Title agreed to.

House Bill No. 302, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake,

Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Park, Morgan, Morris, Macaulay, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—55.

Noes.—None.

Absent and not voting.—Allen, Barbour, Blewett, Campbell, Cato, Duncan, English, Gray, Harden, Kirwan, Logan, Miller of Lewis and Clark, Moore, McDonald, McManus, O'Connor, Root, Warren.—18.

Title agreed to.

House Bill No. 300, having been amended in title by striking out the words "in cities of the first class" after the word "therewith," was read third time and passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Corby, Cluston, Cutler, Farmer, Fischer, Gerber, Greene, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—48.

Noes.—Macaulay.—1.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Brewster, Campbell, Cato, Cummings, Decker, Duncan, English, Goff, Gray, Harden, Kirwan, Longstaff, Moore, McDonald, McManus, O'Connor, Patten, Potter, Selway, Towers, Warren.—24.

Title agreed to.

House Bill No. 313, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Cameron, Corby, Cluston, Cutler, Decker, Farmer, Fischer, Gerber, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Swidlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—62.

Noes.—None.

Absent and not voting.—Barbour, Boorman, Brewster, Campbell, Cato, Cummings, Duncan, English, Goff, Harden, Kirwan, Longstaff, Kroger, Moore, McDonald, O'Connor, Selway, Warren, Whiteside, McManus, Sherman.—21.

Title agreed to.

House Bill No. 315, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Leighton, Logan, Manchester, Marshall, Maxwell, Miles,

Moore, Morgan, Macaulay, Patten, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Barbour, Brewster, Campbell, Cato, Decker, Duncan, English, Harden, Kirwan, Kroger, Longstaff, Miller of Lewis and Clark, Miller of Park, Morris, McDonald, McManus, O'Connor, Potter, Selway, Thompson of Fergus.—20.

Title agreed to.

House Bill No. 325, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Park, Moore, Morgan, Morris, Macaulay, Patten, Potter, Powers, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Boorman, Burke, Campbell, Cato, Duncan, English, Harden, Kirwan, Longstaff, Miller of Lewis and Clark, McDonald, McManus, O'Connor, Root, Selway, Thompson of Fergus, Tudor.—17.

Title agreed to.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 8 and 40, and signed the same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills 386, 363, House Joint Memorial No. 7, House Bills 388, 336, 387 and Sub. for 11, 269, 143, 264, 378, and Sub. for H. B. 310, have been correctly printed.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 324 correctly engrossed.

Cameron, from the Committee on State Boards and Officers, reported as follows:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred House Bill No. 351, entitled, "A Bill for an Act entitled, 'An Act requiring the head physician of the State Insane Asylum to make monthly reports to the District Judges, showing the condition of the inmates of said Asylum,'" beg leave to report as follows:

That Section 1, line 5, be amended by striking out the word "by," and

inserting in lieu thereof the word "from," and in the same line by striking out the word "judge;" and that so amended recommend the same do pass.

Report adopted.

Also:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration House Bill No. 356, entitled "A Bill for an Act to amend Section 448, Article VII, Chapter III, Part III, of the Political Code of the State of Montana, relating to the duty of the State Treasurer to make quarterly reports to the Governor," reports same back with the recommendation that it do pass.

Report adopted.

The following report by Allen, from the Committee on Ways and Means, was omitted from Journal of yesterday:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 395, introduced by Thompson, being a Bill for an Act entitled, An Act providing for a tax on dogs and prescribing penalties, recommend the same back for passage.

Report adopted.

On motion of Boorman, the House took a recess at 12:10 until 2 P. M.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF SELECT COMMITTEES.

Tudor, Chairman of Joint Committee to Inspect the State Penitentiary, reported as follows:

REPORT OF JOINT COMMITTEE TO INSPECT STATE PENITENTIARY.

Helena, Montana, Feb. 27, 1907.

To the Senate and House of Representatives, State of Montana, Helena, Montana,

Gentlemen: We, your Joint Committee, heretofore appointed by Speaker, Joint Resolution No. to investigate the State Penitentiary and report with respect thereto, submit the following report and recommendations for your consideration:

We visited the State Penitentiary at Deer Lodge, Montana, on the 23rd day of February, 1907, and found the institution in elegant condition, and we believe the contractors entitled to congratulation upon their excellent management and control of this department of the State Government.

The general health of the prisoners seems to be good, and the care given them all that could reasonably be expected. The institution is provided with substantial buildings and walls, but we believe that the interests of the State and the needs of the institution are such that appropriations should

be made at once for the making of additional improvements at the State Prison, and we therefore respectfully recommend that the sum of Ten Thousand Two Hundred Eighty-five Dollars (\$10,285.00), or so much thereof as may be needed, be appropriated from the State Treasury from funds not otherwise appropriated, to be used and expended during the fiscal years 1907 and 1908, as follows:

1. \$4,197.50 to be used for the erection and completion of a Women's Building. A building within which to keep women prisoners is a pressing need at this institution as the quarters in which they are now kept are inadequate and by no means adapted for the purpose.

2. The sum of \$2,987.50 for the erection and completion of a Hospital Building. This is a pressing need, because at the prison there is no hospital building, or proper facilities for caring for the sick.

3. The sum of \$3100.00 to be expended for the erection and completion of an additional prison wall. After examination of the prison and talking with the contractors we are convinced that such wall is extremely desirable and necessary for the safe-keeping of the prisoners.

Further, we would recommend to your favorable consideration the passage of Senate Bill No. 81, providing for the parole of prisoners committed to the State Penitentiary, as we believe the parole system to be to the best interests of the State of Montana and of its citizenship.

And further, we believe that something should be done by the State Board of Prison Commissioners by way of finding some suitable employment for the convicts confined in the Penitentiary, as it seems to us not conducive to either the welfare of the prisoners themselves, or the public morals or welfare, and deplorable, to keep them confined in idleness. The constitution and laws seem to contemplate that the State Board of Prison Commissioners should prescribe work and employment for the prisoners, and we recommend that this subject be taken up and investigated by the State Board of Prison Commissioners during the next two years, and that they make report and recommendation to the next Legislative Assembly respecting this subject.

Your Committee having reported fully, respectfully asks that its report and recommendations be favorably acted upon, and that it be discharged.

Respectfully submitted,

TUDOR, Chairman.

Report referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

By unanimous consent, the following bills were introduced and placed on file:

By Joint Committee on State Penitentiary, H. B. No. 411. A Bill for an Act entitled An Act appropriating money for the erection and completion of a Women's Building, Hospital Building, and an additional wall at the State Prison, at Deer Lodge, Montana.

By Tudor, H. B. No. 412. A Bill for an Act appropriating money to defray the expenses of a Joint Committee appointed to investigate the State Prison at Deer Lodge.

REPORTS OF STANDING COMMITTEES.

Scallon from the Committee on Judiciary reported as follows:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 88, entitled "A Bill for an Act entitled 'An Act providing for the registration of electors in counties, cities and towns, and for penalties for the violation thereof,'" recommend that said bill be amended by striking out from the first section the following, to-wit: "The board having charge and control of the elections in the several counties and cities may provide by resolution for the registration of voters within any district in addition to the office of the County Clerk between the hours of 9 A. M. and 9 P. M. on all legal days," and inserting in lieu thereof the following: "The Board of County Commissioners in the several counties, and the councils in the cities and towns, may provide by resolution or ordinance, as the case may require, for the registration of voters within any district, in addition to the registration proceeding in the office of the County Clerk; such registration so specially provided for shall be conducted in counties by a person or persons specially appointed for the purpose by the Board of County Commissioners and in municipal corporations in such manner as may be provided for by the council, and between the hours of 9 A. M. and 9 P. M. on all legal days within a period."

Also amend Section 1 by inserting after the word "board" the words "or council."

Amend Section 22 by adding thereto the following: "The Board of County Commissioners shall furnish the County Clerk the necessary assistance to enable him to carry out the provisions of this Act."

Amend the whole bill by inserting after the words "cities" wherever it occurs, the words "or towns;" and after the word "city" wherever it occurs, the words "or town."

That as so amended, we recommend that the bill be again placed on general orders.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 410, being a Bill for an Act entitled, An Act to repeal Section 4061 of the Political Code of Montana, relating to licenses, beg leave to report the same back with the recommendation that it be indefinitely postponed.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration S. B. No. 53, introduced by Donlan, being a Bill for an Act entitled, An Act to regulate the sale, and prevent the adulteration of foods, drugs, medicines and poisons, and prescribing penalties for the violations thereof, beg

leave to report the same back with the recommendation that it be placed on general orders for consideration with House Bill No. 280.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration Senate Bill No. 84, A Bill for an Act entitled: "An Act regulating public live stock markets, and providing for the inspection of all live stock sold at such markets, at auction or otherwise," recommend that the same be concurred in.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 408, introduced by Shaw, being a Bill for an Act entitled. An Act to amend Sections 220, 221, and 222 and repeal Section 224 of Chapter 2, of Article 5, of the Political Code of the State of Montana, relating to the compensation of members, officers and employees of the Legislative Assembly, beg leave to report the same back with the recommendation that it be indefinitely postponed.

Motion by Allen that report be adopted.

Substitute motion by Shaw, that report be received and that House Bill No. 408 be ordered printed and placed on general orders.

Substitute motion prevailed. Original motion lost.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 411, read first and second times in full, and referred to Committee on Appropriations.

H. B. No. 412, read first and second times in full, and referred to Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 324, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Decker, Farmer, Gerber, Goff, Gray, Harbordt, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Park, Morgan, Morris, McDonald, McManus, Macaulay, Powers, Root, Ross, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, and Mr. Speaker.—51.

Noes.—Patten and Potter.—2.

Absent and not voting.—Boorman, Cato, Cutler, Duncan, English, Fischer, Greene, Griffin, Harden, Hess, Kirwan, Miller of Lewis and Clark, Moore, O'Connor, Scallon, Seidler, Selway, Tudor, Warren and Wilham.—20.

Title agreed to.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 35, introduced by Marshall, reports same back to the House with the recommendation that Senate amendments be not concurred in.

Also having had under consideration Senate Bill No. 74, introduced By Donlan, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by inserting in the third line from the end of said Section, after the word "established," the words "six months."

Also having had under consideration Senate Bill No. 90, introduced by Bielenberg, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 29, introduced by Truscott, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 94, introduced by McLean, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 25, introduced by White, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 98, introduced by Cowgill, reports same back to the House with the recommendation that it be not concurred in.

Also having had under consideration Senate Bill No. 96, introduced by Romney, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Substitute for Senate Bill No. 68, introduced by Committee on Counties, Towns and Municipal Corporations, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 195, introduced by Barbour, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 21, introduced by Committee on Mines and Mining, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 18, introduced by Blake, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 329, introduced by

Committee on Irrigation, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 5, line 31, by striking out the words "posting notice of appropriation" and inserting in lieu thereof the following: "the completion of the works of irrigation." Also amend Section 5, line 49, by striking out the word "proposed." Also amend Section 5, lines 55 and 56, by striking out the following: "such newspaper published in the County as the appropriator may direct," and insert in lieu thereof the following: "the newspaper published nearest the point of diversion once a week."

Also having had under consideration House Bill No. 352, introduced by Allen, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 10, introduced by Blake, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 5 by striking out in lines 47 and 48 the words and figures "Jan. 1st, 1908," and inserting in lieu thereof the words and figures "April 1st, 1907."

Also having had under consideration House Bill No. 282, introduced by Towers, by request, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 338, introduced by Cummings by request, reports same back to the House with the recommendation that it be re-referred to Judiciary Committee.

Also having had under consideration House Bill No. 349, introduced by C. B. Miller, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 255, introduced by C. B. Miller, by request, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by adding at the end of the same the words: "relating to verdicts and judgments in cases of murder."

Motion by Manchester, that report on House Bill No. 349 be segregated from the report of the Committee of the Whole. Motion carried.

Motion by Marshall that the report of the Committee of the Whole be adopted. Motion carried.

Motion by Marshall that the Speaker appoint a committee of three to confer with a like Committee from the Senate in regard to disposition of House Bill No. 35. Motion carried.

Motion by Macaulay that House Bill No. 37 be withdrawn from Committee on Irrigation and referred to Steering Committee. Motion carried.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 379, 316, Sub. for 316, 350, and H. J. R. S. have been correctly printed.

Motion by Swindlehurst that the action relative to report of Committee on State Penitentiary, be re-considered. Motion carried.

On motion by Swindlehurst that report was re-referred to same committee.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

We, your Committee on Sanitary Affairs, having had under consideration House Bill No. 54, entitled "An Act to provide for the appointment of a State Veterinary Medical Examining Board, describing their powers and duties and regulating the practice of veterinary medicine within the State of Montana," report the same back with the recommendation that it do pass with the following amendments:

Strike out all of Section 8 and insert in lieu thereof the following:

"Section 8. Candidates for examination or those who qualify for certificate to practice veterinary medicine in the State of Montana shall pay in advance to the Secretary of the State Board of Veterinary Medical Examiners a fee of \$20.00. If the applicant fails to pass such examination he shall be entitled to a second examination within six months. All money so received shall be turned over to the State Treasurer to be by him deposited in the State Veterinary Medical Examiners Board's fund."

Add to Section 12 the following: "Provided, that this section shall not apply to emergency cases where a licensed veterinarian is not available."

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 97 and 100 having this day been read third time and passed are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Finance and Claims, to whom were referred House Bills numbered 204 and 225, having recommended that they be indefinitely postponed and their report having been adopted by the Senate, the same are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 65, 78, 320, 321, 322 and 323 were this day concurred in by the Senate and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Judiciary, to whom was referred House Bills numbered 131, 176, and 228, having recommended that they be indefinitely postponed, and their report having been adopted by the Senate, the same are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

H. B. No. 298, by Scallon. A Bill for an Act embodying the law of sales of goods and to make uniform the law relating thereto. Referred to Committee on Judiciary.

H. B. No. 291, by Miller of Park. A Bill for an Act entitled "An Act to require railroad, telegraph and express companies doing business in the State of Montana to maintain telephones in its offices and to answer calls over such telephone connections during business hours and to provide a penalty for a violation of the provisions of this Act. Referred to Committee on Railroads and Transportation.

Respectfully,

H. K. HOWRY, Secretary.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit the following bills correctly engrossed: 353, 293, 160, 196, 194, 317, 256, 258, 308, 251, 261.

The following reports were received from the Committee on Insurance:

Mr. Speaker:

We, a majority of your Committee on Insurance, having had under consideration House Bill No. 377, entitled "An Act to repeal Section 681 of the Civil Code of the State of Montana, respecting the taxation of insurance companies on their excess premiums," beg leave to report the same back with the recommendation that it do pass.

WEED, Chairman.

Mr. Speaker:

We, a minority of your Committee on Insurance, having had under consideration House Bill No. 377, entitled "An Act to repeal Section 681 of the Civil Code of the State of Montana respecting the taxation of insurance companies on their excess premiums," beg leave to report the same back as follows:

This bill is an act to repeal the law making the net profits of insurance companies subject to taxation for county purposes, and, inasmuch as said companies receive the benefits of the protection afforded by county government, and, inasmuch, as this assembly has already repealed the law providing an occupation license tax and no law has yet been enacted to replace

the revenues lost by the repeal of said law, we recommend the indefinite postponement of this bill.

WHITESIDE,
WEED.

Motion by Weed that minority report be adopted.
Substitute motion by Cutler that majority report be adopted.
Substitute motion lost. Original motion carried.

READING OF SENATE BILLS.

S. B. No. 100, read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 97, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 393, 376 and 8 have been correctly printed.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

O'Connor in the chair.

House resumed.

Mr. Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 314, introduced by Harden, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 57, introduced by Committee on Live Stock and Public Ranges, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 339, introduced by Morgan, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 337, introduced by McDonald, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 85, introduced by Wendel, reports same back to the House with the recommendation that it do pass.

Report adopted.

The House adjourned at 5:40 P. M.

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

FIFTY-THIRD DAY

Thursday, February 28, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Barbour, Burke, Cato, Cummings, Duncan, McManus, Shaw and Warren. Cato and Duncan excused.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Wednesday, February 27, and believe the same to be correct.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:
February 28, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. 86, A Bill for an Act entitled, "An Act authorizing the Board of Directors of the Montana State Fair to purchase the grand stand erected upon the State Fair Grounds, and appropriating money therefor," report same back without recommendation.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:
Helena, Montana, Feb. 27, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill 371, A Bill for "An Act permitting the killing of beaver at all seasons of the year," report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Weed, from the Committee on Insurance, reported as follows:

February 28, 1907.

Mr. Speaker:

Your Committee on Insurance to whom was referred House Bill No. 330, introduced by Marshall, entitled, "An Act to establish a Board of Fire Insurance Commissioners of the State of Montana, to define their powers and duties, in the matter of adjusting and regulating rates charged, and premiums of insurance upon property by fire insurance corporations and companies, and to provide for the enforcement of this Act, and penalties for the violation thereof;" beg leave to report that they have had said bill under consideration, and report the same back with the recommendation that it be printed, and placed on general orders.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:
Helena, Montana, February 27, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration Substitute for House Bill 371, A Bill for an Act entitled, "An Act to amend Section 2 of Chapter 52 of the Laws of 1905, relating to the protection of birds, fish, fur bearing animals and game," report the same back to the House with the recommendation that it be printed and placed on general orders.

Report adopted.

Towers, from the Committee on State Lands, reported as follows:
February 28, 1907.

Mr. Speaker:

Your Committee on State Lands, to which was referred House Bill No. 399, introduced by Morris, A Bill for an Act entitled, "An Act to provide for the sale of all lands acquired by the State of Montana, under and by virtue of the provisions of Chapter 118, Session Laws of 1903," recommend that the same do pass.

Report adopted.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 410, read first and second times by title only, and referred to Committee on Ways and Means.

Mr. Speaker appointed Scallon, Marshall and Moore as a Committee to confer with a like committee from the Senate with regard to House Bill No. 35.

THIRD READING OF SENATE BILLS.

Senate Bill No. 35, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Gray, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, and Mr. Speaker.—48.

Noes.—Selway, Swindlehurst, Whiteside, Wilder and Wilham.—5.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Brewster, Burke, Campbell, Cato, Cummings, Cutler, Duncan, Greene, Hess, Logan, Miles, Moore, Morris, McManus, Potter, Shaw, and Warren.—20.

Title agreed to.

Senate Bill No. 90, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Gray, Griffin, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Miller of Lewis

and Clark, Miller of Park, Moore, Morgan, McDonald, Macaulay, O'Connor, Potter, Powers, Root, Ross, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—53.

Noes.—Longstaff and Wilder.—2.

Absent and not voting.—Barbour, Blewett, Burke, Campbell, Cato, Cummings, Cutler, Duncan, Greene, Harbordt, Maxwell, Miles, Morris, McManus, Patten, Selway, Shaw, Warren.—18.

Title agreed to.

Senate Bill No. 29, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Cameron, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, O'Connor, Patten, Potter, Root, Ross, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—48.

Noes.—Macaulay and Walker.—2.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Brewster, Burke, Campbell, Cato, Corby, Cummings, Cutler, Duncan, Greene, Leighton, Logan, Maxwell, Miles, Morris, McManus, Powers, Scallon, Selway, Shaw, Warren.—23.

Title agreed to.

Senate Bill No. 94, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Boorman, Brownlee, Cameron, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Gray, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Logan, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—48.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Blewett, Brewster, Burke, Campbell, Cato, Corby, Cummings, Cutler, Duncan, Greene, Hess, Leighton, Longstaff, Manchester, Morris, McDonald, McManus, Scallon, Selway, Shaw, Thompson of Fergus, and Warren.—25.

Title agreed to.

Senate Bill No. 25, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Cameron, Cluston, Decker, English, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Logan, Longstaff, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, Macaulay, Patten, Potter, Powers, Root, Ross, Seidler, Swindlehurst, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Brewster, Wilder, Wilham and Mr. Speaker.—49.

Noes.—None.

Absent and not voting.—Allen, Barbour, Burke, Campbell, Cato, Corby, Cummings, Cutler, Duncan, Gerber, Hess, Leighton, Manchester, Moore, Morris, McManus, O'Connor, Scallon, Selway, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Warren.—24.

Title agreed to.

Senate Bill No. 96, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Campbell, Cameron, Cluston, Decker, Farmer, Fischer, Gerber, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, O'Connor, Potter, Powers, Root, Ross, Seidler, Swindlehurst, Towers, Walker, Wendel, Wilder, Wilham and Mr. Speaker.—43.

Noes.—None.

Absent and not voting.—Allen, Barbour, Boorman, Burke, Cato, Corby, Cummings, Cutler, Duncan, English, Goff, Hess, Kirwan, Leighton, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Scallon, Selway, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Whiteside.—30.

Title agreed to.

Substitute for Senate Bill No. 68, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Cameron, Corby, Decker, Gerber, Goff, Greene, Gray, Harbordt, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Patten, Potter, Powers, Root, Ross, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—40.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Burke, Campbell, Cato, Cluston, Cummings, Cutler, Duncan, English, Farmer, Fischer, Griffin, Hess, Harden, Leighton, Logan, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Scallon, Seidler, Shaw, Sherman, Towers, Tudor, Warren, Weed.—33.

Title agreed to.

Senate Bill No. 74, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Cameron, Corby, Cluston, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Logan, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Swindlehurst, Whiteside, Wilder, Wilham and Mr. Speaker.—48.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Blewett,

Burke, Campbell, Cato, Cummings, Cutler, Duncan, English, Griffin, Harden, Hess, Leighton, Moore, McDonald, McManus, Scallon, Selway, Shaw, Sherman, Towers, Warren, Weed.—25.

Title agreed to.

REPORTS OF SELECT COMMITTEES.

Yesterday's report of the Committee to inspect the State Penitentiary was amended as follows, adopted, and referred to Committee on Ways and Means, to-wit:

By inserting in line 8 of the last paragraph on page 2 of said report, after the word "employment," the following: "not in conflict with free labor."

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit Substitute for House Bill No. 57, and House Bills 314, 255, 352, 18, 328, 306, 282 and 195, correctly engrossed.

Brownlee, from the Committee on Townships and Counties, reported as follows:

February 28, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 355, introduced by Shaw, being a Bill for an Act requiring County Treasurers to prepare and file with County Clerk a report of all license tax collected, the auditor to verify such report, and the County Clerk to publish the same, beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 160, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Farmer, Fischer, Gerber, Goff, Gray, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Maxwell, Miller of Park, Moore, Morgan, Morris, Patten, Powers, Root, Ross, Seidler, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—41.

Noes.—Allen, Bennetts of Silver Bow, Blake, Blewett, Cutler, Decker, Manchester, Marshall, Miles, Miller of Lewis and Clark, McDonald, O'Connor, Swindlehurst, Whiteside.—14.

Absent and not voting.—Campbell, Cato, Cummings, Duncan, English, Greene, Griffin, Harden, Hess, McManus, Macaulay, Potter, Scallon, Selway, Shaw, Towers, Walker, Warren.—18.

Title agreed to.

House Bill No. 194, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hyndman, Kirwan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, O'Connor, Patten, Powers, Root, Ross, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Weed, Wendel and Mr. Speaker.—46.

Noes.—None.

Absent and not voting.—Bennett of Madison, Bennetts of Silver Bow, Campbell, Cato, Cummings, Cutler, Duncan, English, Griffin, Harden, Hess, Kroger, Leighton, Logan, McManus, Macaulay, Potter, Scallon, Selway, Shaw, Towers, Tudor, Walker, Warren, Whiteside, Wilder, Wilham.—27.

Title agreed to.

House Bill No. 126, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Powers, Root, Scallon, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Wilder, Wilham, and Mr. Speaker.—51.

Noes.—Allen, Kirwan, and Ross.—3.

Absent and not voting.—Barbour, Campbell, Cato, Cummings, Cutler, Duncan, English, Griffin, Harden, Logan, McManus, Potter, Seidler, Selway, Shaw, Towers, Tudor, Warren, and Whiteside.—19.

Title agreed to.

House Bill No. 251, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Decker, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Powers, Root, Scallon, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—50.

Noes.—Ross.—1.

Absent and not voting.—Barbour, Bennett of Madison, Blewett, Boorman, Cato, Cummings, Cutler, Duncan, English, Farmer, Harden, Leighton, Logan, Miles, Miller of Park, McManus, Potter, Seidler, Selway, Shaw, Tudor, Warren.—22.

Title agreed to.

House Bill No. 256, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kir-

wan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Morris, McDonald, Macaulay, Root, Ross, Scallon, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Campbell, Cato, Cummings, Cutler, Duncan, English, Harden, Logan, Miles, Miller of Park, McManus, O'Connor, Patten, Potter, Powers, Seidler, Selway, Shaw, Tudor, Warren.—22.

Title agreed to.

House Bill No. 258, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, Root, Ross, Scallon, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, Campbell, Cato, Cummings, Cutler, Duncan, Gray, Griffin, Longstaff, Maxwell, Miles, McManus, O'Connor, Patten, Potter, Powers, Seidler, Selway, Shaw, Warren, Blake.—22.

Title agreed to.

House Bill No. 261, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Moore, Morgan, Morris, Macaulay, Towers, Patten, Potter, Ross, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blake, Cato, Cluston, Cummings, Cutler, Duncan, Kirwan, Leighton, Miles, Maxwell, Miller of Park, McDonald, McManus, O'Connor, Powers, Root, Scallon, Selway, Shaw, Tudor, Walker, Warren.—23.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 28th day of February, 1907:

House Bill No. 65. "An Act appropriating money for the erecting and

equipping of additional buildings for the State Orphan's Home at Twin Bridges, Montana, and for the construction of a sewerage system in connection with same."

House Bill No. 82. "An Act to amend Sections 2505 and 2506 of the Civil Code of the State of Montana, relating to hotels, inns, and lodging houses, and providing a better protection of the guests and employees thereof from fire."

House Bill No. 16. An Act to regulate the size and manner of construction of all caboose cars used by any person, corporations or company, within the State of Montana, and providing a penalty for the violation thereof.

House Bill No. 320. "An Act appropriating money for the payment of deficiency claim of Rocky Mountain Bell Telephone Company, account Fish and Game Fund."

Mr. Speaker announced that he was about to sign House Bills Nos. 65, 82, 116 and 320, and signed the same in the presence of the House.

THIRD READING OF HOUSE BILLS.

House Bill No. 293, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Cameron, Corby, Cluston, Cutler, Decker, English, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, Macaulay, Patten, Potter, Root, Ross, Scallion, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.
—50.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blake, Brewster, Campbell, Cato, Cummings, Duncan, Farmer, Fischer, Griffin, Hess, Leighton, Miles, Moore, McDonald, McManus, O'Connor, Powers, Seidler, Selway, Shaw, Tudor, and Warren.—23.

Title agreed to.

House Bill No. 308, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Bennetts of Silver Bow, Blake, Blewett, Boorman, Burke, Campbell, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallion, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder and Mr. Speaker.—49.

Noes.—None.

Absent and not voting.—Allen, Beckwith, Bennett of Madison, Brewster, Brownlee, Cato, Cummings, Cutler, Duncan, Gray, Kirwan, Leighton, Logan, Miles, Miller of Park, McManus, Powers, Seidler, Selway, Shaw, Thompson of Fergus, Warren, Wilham, Moore.—24.

Title agreed to.

House Bill No. 317, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Morgan, Morris, McDonald, Macaulay, Patten, Potter, Ross, Scallion, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Wendel, Whiteside, and Mr. Speaker.—48.

Noes.—None.

Absent and not voting.—Bennett of Madison, Brewster, Cato, Cummings, Cutler, Duncan, Harden, Kroger, Leighton, Logan, Miles, Miller of Park, Moore, McManus, O'Connor, Powers, Root, Seidler, Selway, Shaw, Tudor, Warren, Weed, Wilder and Wilham.—25.

Title agreed to.

House Bill No. 195, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Burke, Campbell, Cameron, Cluston, English, Farmer, Goff, Gray, Griffin, Hess, Harden, Hyndman, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morris, McDonald, Macaulay, O'Connor, Root, Scallion, Thompson of Fergus, Towers, Tudor, Walker, Weed, and Mr. Speaker.—37.

Noes.—Blewett, Brownlee, Decker, Fischer, Gerber, Greene, Harbordt, Kirwan, Kroger, Longstaff, Miller of Park, Morgan, Ross, Swindlehurst, Thompson of Sanders, Wendel, Wilder and Wilham.—18.

Absent and not voting.—Beckwith, Cato, Corby, Cummings, Cutler, Leighton, Miles, McManus, Patten, Potter, Powers, Seidler, Selway, Shaw, Sherman, Warren, Whiteside, and Duncan.—18.

Title agreed to.

House Bill No. 18, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Cluston, Decker, English, Farmer, Fischer, Gerber, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, Macaulay, Patten, Potter, Powers, Root, Ross, Scallion, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Wendel, Whiteside, Wilder and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Barbour, Brewster, Campbell, Bennett of Madison, Cato, Corby, Cummings, Cutler, Duncan, Goff, Hess, Kirwan, Leighton, Miles, Morgan, McManus, O'Connor, Selway, Shaw, Walker, Warren, Weed, Wilham.—23.

Title agreed to.

Substitute for House Bill No. 57, having been read three several times was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Goff, Greene, Griffin, Harbordt, Harden, Hess, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker pro tem.—51.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Campbell, Cato, Cummings, Cutler, Duncan, Gerber, Gray, Hyndman, King, Kirwan, Leighton, Miles, Morgan, McManus, O'Connor, Selway, Shaw, Swindlehurst, Tudor, Warren.—22.

Title agreed to.

House Bill No. 255, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Brownlee, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hess, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Thompson of Sanders, Thompson of Fergus, Walker, Towers, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker pro tem.—51.

Noes.—None.

Absent and not voting.—Barbour, Campbell, Cameron, Cummings, Cutler, Duncan, Gray, Hyndman, King, Kirwan, Leighton, Longstaff, Miles, McManus, O'Connor, Selway, Shaw, Sherman, Swindlehurst, Tudor, Warren, Cato.—23.

Title agreed to.

House Bill No. 282, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Hess, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, Macaulay, Patten, Potter, Powers, Ross, Seidler, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Brewster, Campbell, Cato, Cummings, Cutler, Duncan, Gray, Harbordt, Harden, Leighton, Miles, Moore, Morris, McManus, O'Connor, Root, Scallon, Selway, Shaw, Sherman, Swindlehurst, Warren, Weed.—23.

Title agreed to.

House Bill No. 306, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver

Bow, Blake, Blewett, Boorman, Brownlee, Cameron, Corby, Cluston, Decker, English, Farmer, Gerber, Goff, Greene, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McDonald, Macaulay, Potter, Powers, Root, Seidler, Ross, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—48.

Noes.—Fischer, Griffin, Longstaff and Wilder.—4.

Absent and not voting.—Brewster, Burke, Campbell, Cato, Cummings, Cutler, Duncan, Gray, Harbordt, Harden, Kirwan, Leighton, Miles, Moore, McManus, O'Connor, Patten, Scallon, Selway, Shaw, Warren.—21.

Title agreed to.

House Bill No. 314, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Brownlee, Cameron, Cluston, Corby, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Hess, English, Kirwan, Logan, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, Macaulay, Patten, Potter, Ross, Seidler, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—41.

Noes.—Bennett of Madison, Blewett, Boorman, Hyndman, Longstaff, Sherman, Towers, and Wilder.—8.

Absent and not voting.—Brewster, Burke, Campbell, Cato, Cummings, Cutler, Duncan, Harbordt, Harden, Kroger, Leighton, Maxwell, Miles, Moore, McDonald, McManus, O'Connor, Powers, Root, Scallon, Selway, Shaw, Tudor, and Warren.—24.

Title agreed to.

House Bill No. 328, having been read three several times, was passed by the following vote:

Ayes. Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett Boorman, Brewster, Brownlee, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Goff, Greene, Griffin, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Morgan, Morris, McDonald, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—52.

Noes.—None.

Absent and not voting.—Burke, Campbell, Cato, Cummings, Cutler, Duncan, Gerber, Gray, Harbordt, Kirwan, Miles, Miller of Lewis and Clark, Miller of Park, Moore, McManus, Macaulay, Potter, Selway, Shaw, Warren, Wilham.—21.

Title agreed to.

House Bill No. 352, introduced by Allen.

A Bill for an Act entitled: "An Act providing for the submission to the electors of the State of Montana an amendment to Section 14 of Article XII of the Constitution of the State of Montana, relating to the care and management of public moneys in the hands of public officers, and providing for a State Depository Board to direct the depositing of state moneys in the possession of the State Treasurer.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That there shall be submitted to the qualified electors of the State of Montana at the next general election, an amendment to Section 14 of Article XII of the State Constitution relating to the care and management of public moneys in the hands of public officers, and providing for a State Depository Board to direct the depositing of state moneys in the possession of the State Treasurer, so that said Section 14 will read as follows:

Section 14. The Governor, State Auditor and the State Treasurer are hereby constituted a State Depository Board with full power and authority to designate depositories with which all funds in the hands of the State Treasurer shall be deposited, and at such rate of interest as may be prescribed by law. When money shall have been deposited under direction of said Depository Board and in accordance with the law, the treasurer shall not be liable for loss on account of any such deposit occurring through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud or dishonorable conduct. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by the state treasurer or by any other public officer, shall be deemed a felony, and shall be punished as provided for by law and part of such punishment shall be disqualification to hold any public office.

Section 2. A separate official ballot shall be prepared by the county clerk of each county and furnished to the judges of election in each precinct in the county to be used in voting upon said constitutional amendment at the general election to be held in November, 1908. Each ballot shall have printed thereon the words:

"For the amendment to the constitution providing for the care and management of public moneys and providing for a State Depository Board."

"Against the amendment to the constitution providing for the care and management of public moneys and providing for a State Depository Board."

And in canvassing the result the general election laws shall be applicable.

Section 3. It shall be the duty of the Governor to cause the question of the approval of said constitutional amendment to be submitted at the next general election.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

House Bill No. 352, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Campbell, Cluston, Decker, English, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morris, McDonald, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham and Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Barbour, Burke, Cameron, Cato, Cummings, Cutler, Duncan, Gerber, Hess, Kirwan, Longstaff, Miles, Miller of Park, Morgan, McManus, Macaulay, Selway, Shaw, Warren, Corby.—20.

Title agreed to.

House Bill No. 353, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Campbell, Cameron, Cluston, Decker, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harden, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Morris, O'Connor, Patten, Potter, Powers, Root, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Wilham and Mr. Speaker.—47.

Noes.—Blewett, Harbordt, Whiteside and Wilder.—4.

Absent and not voting.—Barbour, Cato, Corby, Cummings, Cutler, Duncan, English, Gerber, Hess, Kirwan, Longstaff, Miles, Miller of Park, McDonald, McManus, Macaulay, Ross, Selway, Shaw, Burke, Towers, Warren.—22.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit the following bills correctly engrossed: House Bill 329, 85, 339, 337, Substitute for House Bill 10.

MOTIONS AND RESOLUTIONS.

House Joint Resolution No. 10, Introduced by Beckwith.

Be it Resolved by the Senate and House of Representatives of the State of Montana:

That Whereas, This Assembly has learned with feelings of the most profound regret of the death of that sterling pioneer citizen of the Territory and State of Montana, the Honorable A. Sterne Blake of Victor, Ravalli County, Montana, one who had, during his life, done much to advance the best interests and development of the commonwealth; and

Whereas, the deceased pioneer was a member of the First Legislative Assembly of the State of Montana, representing the then County of Missoula in the House of Representatives; therefore be it

Resolved, By the Senate and House of Representatives of the Tenth Legislative Assembly of the State of Montana: That, in the death of the Honorable A. Sterne Blake the State has lost one of its best, most honored and respected citizens; and further

Resolved, That this Assembly hereby extends its deepest sympathy and condolence to the widow and family of the deceased citizen in the hour of their bereavement; and further

Resolved, That one copy of these Resolutions be transmitted by the Chief Clerk of the House of Representatives to the family of the deceased, one copy to the Secretary of the Society of Montana Pioneers, one copy to

the Librarian of the State Historical Society, and that these Resolutions be spread upon the Journals of both Houses of this Assembly in simple tribute to the honesty of purpose, the sterling qualities of higher manhood represented in the character and daily walk of the Honorable A. Sterne Blake during his lifetime in our beloved State.

Motion by Marshall that the rules be suspended and that the resolutions be adopted by rising vote. Motion carried and Resolution adopted unanimously.

The House took a recess at 12:25 P. M. until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

INTRODUCTION OF BILLS.

By two-thirds the following bill was introduced and placed on file:

By Committee on Appropriations, H. B. No. 413: A Bill for "An Act making appropriation for State Institutions of Montana for the period ending Feby. 28, 1908, and Feby. 28, 1909.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 413, read first and second times in full, and referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:
February 28, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 412, introduced by Fudor, A Bill for an Act appropriating money to defray the expenses of a joint committee appointed to investigate the State Prison at Deer Lodge, recommend that it do pass.

Report adopted.

Also:

February 28, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 411, introduced by Joint Committee on State Penitentiary, A Bill for an Act appropriating money for the erection and completion of a Womens Building, Hospital Building, and an additional wall at the State Prison at Deer Lodge, Montana, recommend that the same do pass.

Report adopted.

Also:

February 28, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 413 A Bill for "An Act making appropriations for the State Institutions of Montana, for the period ending February 28, 1908, and February 28, 1909",

have had the same under consideration and recommend that it be passed.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration Senate Bill No. 78, A Bill for an Act entitled, "An Act to provide for the tallying of cattle shipped from the state, and to facilitate the inspection of the same at the market points, recommend that the same be concurred in.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, to whom was referred Senate Bill No. 69, A Bill for an Act entitled, "An Act relating to bounty or stock destroying animals and to prevent fraud in the payment of the same, recommend that the same be concurred in.

Report adopted.

The house resolved itself into a Committee of the Whole, for the consideration of General Orders.

Scallon in the chair.

House resumed.

Mr. Speaker in the chair.

Scallon, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 84, introduced by McLean, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 53, introduced by Donlan, reports same back to the House with the recommendation that it be re-referred to General Orders.

Also having had under consideration House Bill No. 280, introduced by Committee on Sanitary Affairs, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by striking out in line 10 the words "four" and figure "4", and inserting in lieu thereof the word "two" and figure "2". Also strike out in line 11, after the word "Senate" the words "and who" and insert in lieu thereof the words "provided that the first chemist appointed".

Amend Section 2 by inserting in line 12, after "1907", the following: "and hold until January 1st, 1909."

Amend Section 2 by striking out in line 13, the words "of at least ten years", and by striking out in line 14, the words "experience in his profession and".

Amend Section 2, line 15, by inserting after the word "dollars" the words "a year".

Amend Section 2 by adding the following: "The said State Chemist must devote his entire service to the duties of his office."

Amend Section 3 by striking out in line 17 the word "chemist" and inserting in lieu thereof the words "state board of health".

Strike out all of Section 4.

Strike out all of Section 5 and insert in lieu thereof the following: "That the examination of specimens of foods and drugs shall be made by the State Chemist of Montana, or under his supervision and direction, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this Act, and if it shall appear from any such examination that any such specimens are adulterated or misbranded within the meaning of this Act, the State Chemist shall cause notice thereof to be given to the party from whom such samples were obtained. Any party so notified shall be given an opportunity to be heard before the Secretary of the State Board of Health, State Board of Pharmacy and the State Chemist, sitting as a Board under such rules and regulations as may be prescribed by them; and if it appears that any of the provisions of this Act have been violated by such party, then the chairman of the said board shall at once certify the facts to the proper prosecuting attorney with a copy of the results of the analysis or examination of such article, duly authenticated by the analyst or officer making such examination.

That it shall be the duty of each county attorney to whom the State Chemist shall report any violation of this Act, to cause appropriate proceedings to be commenced and prosecuted in the courts of this State for the enforcement of the penalties as in such cases herein provided. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations of the Board."

Amend Section 7 by inserting after the word "thereof", in line 70, the following: "Provided, however, that no vinegar shall be sold, delivered or received in this State which contains more than five per cent by weight of acetic acid, and if vinegar is marked or branded "cider vinegar" it shall contain not less than one and one-half per cent of pure apple solids."

Amend subdivision 5 of Section 7 by adding after the word "slaughter" in line 93, the words, "or of the meat of a calf not less than four weeks old".

Amend Section 8 by adding after the words "contained therein," in line 110, the following: "Provided that nothing in this paragraph shall be construed to apply to the filling of prescriptions furnished by regular, licensed, practicing physicians and kept on file by the druggists nor to extemporaneous preparations made and sold by licensed pharmacists."

Amend Section 9 by adding thereto the following: "Provided, that no dealer shall be prosecuted under the provisions of this Act when the article sold has been guaranteed to the United States Government under the Food and Drugs Act of June 30th, 1906, and has the serial number together with the words: 'Guaranteed under the Food and Drugs Act of June 20th, 1906,' upon each package."

Amend Section 10 by adding after the word "liquor", line 156, the words "offered for sale in his county or city, as the case may be".

Amend by striking out the whole of Section 12.

Amend Section 13 by inserting after the word "person" in line 172, the

following: "Nothing in this Act shall affect goods in the hands of the dealers purchased prior to the time this Act goes into effect."

Also having had under consideration House Bill No. 227, introduced by Weed reports same back to the House with the recommendation that it be re-referred to the Steering Committee.

Also having had under consideration House Bill No. 376, introduced by Allen, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Memorial No. 7, introduced by Gray, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Resolution No. 8, introduced by Committee on State Institutions, Public Buildings and Grounds, reports same back to the House with the recommendation that it be adopted as amended, as follows:

Amend line 25 by inserting after the word "company" the words "or any other person or corporation, which may have an adequate supply".

Report adopted.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, February 28, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 347, 114, 365, 311, 394, 312, 283 and 297, 307 have been correctly printed.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 32 and 35, and signed the same in the presence of the House.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 179 correctly engrossed.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 28th day of February, 1907:

House Bill No. 321. "An Act appropriating money for the payment of deficiency claim of the Rocky Mountain Bell Telephone Company."

House Bill No. 322. "An Act appropriating money for the payment of claim of J. M. Lewis for service and for expenses incurred."

Substitute for House Bill No. 23. An Act making effective the Initiative and Referendum provisions of Section I of Article V, as amended, of the Constitution of the State of Montana, and regulating elections thereunder, and providing penalties for violations of provisions of this Act.

House Bill No. 323. An Act appropriating money for the payment of deficiency claims account requisitions.

House Bill No. 78. "An Act to authorize, empower and direct the Board of Trustees of the Montana State Reform School at Miles City, Montana,

to finish and complete the construction and furnishing of the Girl's building at said Montana State Reform School; also to authorize, empower and direct the construction and furnishing of the Hospital Building at said Reform School and to appropriate money for all of said purposes.

Mr. Speaker announced that he was about to sign House Bills Nos. 321, 322, Substitute for House Bill No. 23, 323, and 78, and signed the same in the presence of the House.

Greene, from the Committee on Agriculture and Horticulture, reported as follows:

Mr. Speaker:

Your Committee on Agriculture and Horticulture, to which was referred House Bill No. 396, A Bill for an Act entitled, "An Act making it unlawful for any person owning or having sheep in charge to herd or permit the same to be herded on the land or possessory claims of other persons, or to herd the same or permit the same to be herded or grazed within two miles of the dwelling house of the owner of any land or possessory claim," having had the same under consideration, respectfully report it back without recommendation, and request that it be printed and placed on general file."

Report re-referred to Committee on Livestock and Public Ranges.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration Senate Bill No. 81, introduced by Miles, being a Bill for an Act entitled, An Act providing for the parole of prisoners confined in the state prison, and authorizing the state board of prison commissioners to grant paroles to such prisoners, subject to certain conditions and regulations to be provided for by the said state board, beg leave to report the same back with the following amendment:

That there be added after the word "prisoner" in the last line of Section two the following: "provided that such paroled prisoners shall be required to report in writing to said board of prison commissioners at least once in every three months, stating their post office address, the nature and kind of work or employment in which they are engaged, or in which they have been engaged since the last report, and such other information and facts as may be required by the rules and regulations of said board."

With this amendment we recommend that the bill do pass.

Report adopted.

Weed, from the Committee on Insurance, reported as follows:

MAJORITY REPORT.

February 28, 1907.

Mr. Speaker:

Your Committee on Insurance, to whom was referred House Bill No. 175, entitled, "An Act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued," beg leave to report that a majority of the Committee favor reporting the bill back with a recommendation that it do pass, and that a minority of the Committee favor reporting the bill back with a recommendation that it be indefinitely postponed. The report of the minority Committee will be submitted by

the members of the minority.

MINORITY REPORT.

February 28, 1907.

Mr. Speaker:

A minority of your Committee on Insurance, to whom was referred House Bill No. 175, entitled, "An Act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued," beg leave to report the same as follows: That after said bill was first referred to the Committee on Insurance, there was a difference of opinion in the Committee as to the constitutionality of the bill, and for the purpose of settling this question, the Committee requested that the bill be referred to the Committee on Judiciary. Such reference was duly made to the Committee on Judiciary, and that Committee considered the bill as to whether it was in conflict with the constitution of the State of Montana, and with the Constitution of the United States, relating to violating the obligations of a contract. The Judiciary Committee reported back to the House that in their opinion, the constitutionality of the bill was involved in doubt, in that it seemed to be an attempt on the part of the Legislative Assembly to change the obligations of contracts, which is expressly forbidden by both the Constitution of Montana and of the United States. A copy of the report of the Judiciary Committee as to the constitutional features of the bill is hereto attached, and made a part of this report. In spite of the opinion of the Judiciary Committee, the majority of the Committee on Insurance have reported the bill with the recommendation that it do pass. This minority of the Insurance Committee respectfully dissent from the opinion of the majority, but only upon the constitutional point that certain features of the bill are clearly in violation of the constitution. It is elementary that no Legislative Assembly of this State or of any other State, has the constitutional authority to enact any legislation which would have the effect to violate the obligations of contracts heretofore entered into. In the opinion of the minority, this bill would have such effect if it should become a law, and would be clearly unconstitutional, and would not be sustained by the courts. We, therefore, respectfully recommend that the bill be reported back with the recommendation that it be indefinitely postponed.

On motion of Weed, the minority report was adopted.

Motion by Walker that the action of the House in indefinitely postponing Senate Bill No. 98 be reconsidered. Motion prevailed.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Campbell in the chair.

House resumed.

Mr. Speaker in the chair.

Campbell, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute for House Bill No. 11, introduced by Blake, reports same back to the House with the recommendation that it be re-referred to Judiciary Committee.

Also having had under consideration Substitute for House Bill No. 144,

introduced by Goff, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 310, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 292, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 388, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 270, introduced by Gerber, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by striking out in line 6 the word "citizen" and inserting in lieu thereof the word "person."

Also having had under consideration House Bill No. 101, introduced by Campbell, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by striking out the words "and to make appropriations therefor."

Also having had under consideration House Bill No. 292, introduced by Gray, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 268, introduced by Shaw, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 114, introduced by Bennett, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by striking out in line 23 the words "Society of Montana Pioneers," and inserting in lieu thereof the words "Wilbur F. Sanders Memorial Association."

Amend Section 3 by striking out in line 27 the word "association" and inserting in lieu thereof the word "commission."

Also having had under consideration House Bill No. 387, introduced by Committee on Appropriations reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 378, introduced by O'Connor, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 264, introduced by Wilder, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 269, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 143, introduced by

Whiteside and Macaulay, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 227, introduced by Weed, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by adding after the word "corporations" the following: "and to repeal Section 406 of the Civil Code."

Amend Section 1 by striking out in lines 16 and 17 the following: "in form and manner provided by Article 1, Chapter 1, Title 1, Part IV, of the Civil Code," and inserting in lieu thereof the following: "in the office of the county clerk of the county in which the principal business of the company is to be transacted, and a copy thereof, certified by the county clerk, with the Secretary of State, whereupon the Secretary of State must issue to the corporation over the Great Seal of the state, a certificate that a copy of the articles, containing the required statement of facts has been filed in his office. Thereupon the persons signing the articles, and their associates and successors, shall be a body politic and corporate by the name stated in the certificate, and for a term of forty years, unless in the articles of incorporation otherwise stated, or in this code otherwise specially provided, but in no case where not otherwise specially provided in this code, must such term exceed forty years."

Amend Section 2 by inserting before the word "all" the following: "Section 406 of the Civil Code and."

Also having had under consideration House Bill No. 363, introduced by Barbour, reports same back to the House with the recommendation that it be re-referred to Committee on Sanitary Affairs.

Also having had under consideration House Bill No. 379, introduced by Logan, reports same back to the House with the recommendation that it do pass.

Motion by Miller of Park, that the report of the Committee of the Whole on House Bill No. 264, be segregated from the rest of the report. Motion carried.

On motion of Miller of Park, House Bill No. 264 was placed on General Orders.

Remainder of report was then adopted.

On motion by Shaw, the House adjourned at 5:50 P. M.

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

FIFTY-FOURTH DAY

Friday, March 1, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Allen, Cato, Cutler, Duncan, Miles, Powers, and Warren. Cato and Duncan excused.

Burke reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Thursday, February 28, and believe the same to be correct.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 121, 140, 186, 221, 212, 226, 230, 243, 241, 271, 272, 276, and 304. and House Joint Memorials numbered 1 and 2, were this day read a third time and concurred in and are herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate having voted to reconsider its action in regard to H. B. No. 228, the House is herewith requested to return the same for further consideration.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Roads, Highways and Bridges, to whom was referred H. B. No. 80, having recommended that it be indefinitely postponed and their report having been adopted by the Senate, the same is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has this day concurred in House amendments to Senate Bills numbered 60, 61, 46, 62, 35, 29, 74, 25, Sub. for S. B. No. 68, and the same have been referred to Committee on Enrolled Bills.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the House having refused to concur in Senate amendments to H. B. No. 35, and the Senate having voted to adhere to them, on motion the President appointed Senators White, Everett and Long as representatives of the Senate to confer with a like Committee from the House in regard to same.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Judiciary, to whom was referred H. B. No. 246, having recommended that it be not concurred in and their report having been adopted by the Senate, the same is herewith returned to the House.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were introduced and read first and second times:

H. B. No. 324, by Committee on Live Stock and Public Ranges. Referred to Committee on Stock Growing and Grazing.

H. B. No. 156, by Walker. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 253, by Bennett. Referred to Committee on Judiciary.

Sub. for House Bill No. 50, by Committee on Affairs of Cities. Referred to Committee on Public Morals.

H. B. No. 302, by Marshall. Referred to Committee on Judiciary.

H. B. No. 313, by Barbour. Referred to Committee on Judiciary.

H. B. No. 315, by Whiteside. Referred to Committee on Railroads and Transportation.

H. B. No. 325, by Bennett. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 309, by Scallon. Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

S. B. No. 130, by Martien. "A Bill for an Act entitled An Act to amend Section 15 of Chapter XI of the Laws of 1903, relating to the licensing of taxidermists." Referred to Committee on Finance and Claims.

S. B. No. 131, by Long. A Bill for an Act entitled "An Act relating to the prevention of pollution of public water supplies used for domestic purposes; authorizing the adoption and promulgation by the State Board of Health of orders, rules and regulations for such purposes; providing for appeals to the superior court from any orders of said Board and giving jurisdiction in equity to the superior court to enforce orders, rules and regulations of said Board; authorizing the establishment and maintenance of an experimental station, and providing penalties." Referred to Committee on Judiciary.

S. B. No. 132, by Everett. A Bill for an Act entitled, "An Act defining the duties of railroads, railroad corporations, railroad companies, express companies, car companies, and every common carrier other than by water and

all person or persons operating such common carriers, as receivers, lessee or trustee in the transportation of any kind of livestock, and providing an average minimum rate of speed of all trains carrying any such livestock and providing penalties for all failures to comply with the provisions of this act." Referred to Committee on Railroads and Transportation.

Respectfully,

H. K. HOWRY, Secretary.

READING OF SENATE BILLS.

S. B. No. 85, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

S. B. No. 50, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

S. B. No. 101, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

S. B. No. 110, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

S. B. No. 101, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

S. B. No. 110, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

S. B. No. 112, read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 121, read first and second times by title only, and referred to Committee on Judiciary.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 85, 50, 101, 110, 112, and 121, were this day read third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, February 28, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 146, 161, 181, and 182, and H. J. M. No. 4, were this day read third time and concurred in as amended in the Senate and are herewith returned to the House for its concurrence in the amendments.

Respectfully,

H. K. HOWRY, Secretary.

On motion by Blake, House Joint Memorial No. 4 was returned to the Senate for correction.

The following Senate amendments to House Bill No. 182 were read:

Amend Section 5 by striking out in line 50 the word "and" where it first appears in said line and inserting in lieu thereof the word "in."

Amend Section 12, in line 153, by striking out after the word "town" the balance of the Section, and inserting in lieu thereof: "Provided that such salaries shall not exceed, in counties of the first, second and third classes, two thousand (\$2,000.00) Dollars per annum, and in counties of the fourth and fifth classes, twelve hundred (\$1200.00) Dollars per annum, and in counties of the sixth, seventh and eighth, not to exceed six hundred (\$600.00) Dollars per annum, and provided further, that in all cases the State Board of Health shall have supervisory control over the action of all local, county, city or district health officers, who shall in all respects, be subject to the direction of the State Board."

Amend Section 25, by striking out all of said Section and inserting in lieu thereof: "The State Board of Health shall have the power, and it shall be their duty to issue and enforce reasonable rules for the restriction and prohibition of any person or persons suffering from a communicable, infectious or contagious disease traveling on public conveyance, and shall issue reasonable rules and regulations to the disinfection of passenger cars or any other public conveyance in which any person or persons, suffering from contagious, infectious or communicable disease has been traveling."

In Section 35 by striking out in line 352 the word "action," and inserting in lieu thereof the word "Act."

Amend Section 38 by striking out in line 371 the word "He."

The above Senate amendments to House Bill No. 182 were concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Cluston, Cummings, Decker, English, Farmer, Fischer, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Longstaff, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Potter, Gerber, Root, Ross, Scallion, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Wilham and Mr. Speaker.—49.

Noes.—Blake.—1.

Absent and not voting.—Allen, Brewster, Campbell, Cameron, Cato, Corby, Cutler, Duncan, Goff, Greene, Gray, Leighton, Logan, Manchester, Miles, McDonald, O'Connor, Patten, Powers, Seidler, Selway, Warren, Whiteside.—23.

The following Senate amendments to House Bill No. 161 were read:

Strike out all of subdivision 2 in Section 1, and insert in lieu thereof as follows: "In actions for damages not exceeding three hundred dollars for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of defendant involving the title to or possession of the same; in actions for damages not exceeding three hundred dollars for injury to the person, provided that in actions for false imprisonment, libel, slander, criminal conversation, seduction, malicious prosecution, bastardy, abduction and alienation of affections, the Justice of the Peace shall not have jurisdiction."

The above Senate amendment to House Bill No. 161 was concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Decker, Farmer, Fischer, Ger-

ber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Root, Ross, Seidler, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennetts of Silver Bow, Campbell, Cato, Corby, Cutler, Duncan, English, Harden, Leighton, Marshall, Maxwell, Miles, McDonald, Potter, Powers, Scallon, Sherman, Warren.—20.

The following Senate amendments to House Bill No. 146 were read:

In Section 1, line 3, after the word "individuals," strike out the word "whether." In the same line, after the word "Montana," strike out the following words: "or of any other state."

The above Senate amendments to House Bill No. 146 were concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brownlee, Brewster, Burke, Cameron, Cluston, Cummings, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, O'Connor, Root, Ross, Seidler, Selway, Shaw, Sherman, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Whiteside, Wilham and Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Allen, Barbour, Blewett, Campbell, Cato, Corby, Cutler, Duncan, Harden, Leighton, Longstaff, Miles, Miller of Lewis and Clark, Macaulay, Patten, Potter, Powers, Scallon, Swindlehurst, Thompson of Sanders, Walker, Warren, Wilder.—23.

THIRD READING OF SENATE BILLS.

Senate Bill No. 84, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Decker, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, Root, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilham.—52.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Campbell, Cato, Corby, Farmer, Harden, Leighton, Miles, Miller of Lewis and Clark, O'Connor, Powers, Ross, Scallon, Thompson of Sanders, Warren, Wilder, Cutler, Duncan, and Mr. Speaker.—21.

Title agreed to.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 10, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Decker, English, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Miller of Park, Moore, Morris, McDonald, O'Connor, Patten, Potter, Root, Ross, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilham.—49.

Noes.—None.

Absent and not voting. Allen, Barbour, Blewett, Campbell, Cato, Corby, Cutler, Duncan, Fischer, Griffin, Harden, Leighton, Maxwell, Miles, Miller of Lewis and Clark, Morgan, McManus, Macaulay, Powers, Scallon, Seidler, Warren, Wilder, and Mr. Speaker.—24.

Title agreed to.

House Bill No. 85, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Decker, Farmer, Gerber, Goff, Gray, Griffin, Harden, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, Patten, Potter, Root, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder.—48.

Noes.—English and McDonald.—2.

Absent and not voting.—Allen, Barbour, Campbell, Cato, Corby, Cutler, Duncan, Fischer, Greene, Harbordt, Kirwan, Leighton, Miles, Moore, McManus, Macaulay, O'Connor, Powers, Ross, Seidler, Warren, Wilham, and Mr. Speaker.—23.

Title agreed to.

House Bill No. 329, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Kirwan, Boorman, Brewster, Brownlee, Burke, Cameron, Cluston, Cummings, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Logan, Longstaff, Manchester, Marshall, Miller of Park, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker, and Shaw.—54.

Noes.—None.

Absent and not voting.—Allen, Barbour, Campbell, Cato, Corby, Cutler, Duncan, English, Hess, Kroger, Leighton, Maxwell, Miles, Miller of Lewis and Clark, Moore, McDonald, Powers, Tudor, Warren.—19.

Title agreed to.

House Bill No. 337, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Cluston, Cummings, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kir-

wan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Allen, Barbour, Campbell, Brewster, Cato, Corby, Cutler, Decker, Duncan, English, Hess, Leighton, Miles, McDonald, O'Connor, Potter, Powers, Tudor, Warren, Wilham.—20.

Title agreed to.

On motion by Miller of Park, House Bill No. 339 was withdrawn from third reading and placed on general orders.

House Bill No. 179, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Cluston, Decker, Fischer, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Patten, Potter, Root, Ross, Scallon, Selway, Shaw, Sherman, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Wilder, Wilham, Mr. Speaker.—40.

Noes.—None.

Absent and not voting.—Allen, Brewster, Campbell, Cato, Corby, Cummings, Cutler, Duncan, English, Farmer, Gray, Hess, Leighton, Logan, Miles, Macaulay, O'Connor, Powers, Seidler, Swindlehurst, Thompson of Fergus, Warren, Weed, Whiteside.—24.

Title agreed to.

The following Senate amendment to House Bill No. 181 was read:

Amend Section 2401 as it appears in the bill to read as follows:

"Section 2401. The Librarian of the Historical and Miscellaneous Department is hereby authorized and empowered to engage and employ two assistant librarians for said department at an annual salary as follows: The first assistant librarian shall receive a salary of twelve hundred dollars per annum and the second assistant librarian shall receive a salary of nine hundred dollars per annum payable monthly out of the general fund of the Treasury."

The above Senate amendment to House Bill No. 181, was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Cameron, Corby, Decker, Farmer, Goff, Griffin, Hyndman, Kirwan, Kroger, Logan, Longstaff, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, Patten, Potter, Root, Ross, Seidler, Shaw, Swindlehurst, Thompson of Sanders, Tudor, Walker, Wendel, and Wilham.—34.

Noes.—Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cluston, Fischer, Gerber, Greene, Harbordt, Harden, Manchester, Maxwell, McManus, O'Connor, Scallon, Sherman, Towers, Wilder, and Mr. Speaker.—22.

Absent and not voting.—Allen, Campbell, Cato, Cummings, Cutler, Dun-

can, English, Gray, Hess, Leighton, Miles, Powers, Selway, Thompson of Fergus, Warren, Weed, Whiteside.—17.

The following Senate amendments to House Joint Memorial No. 4 were read:

Amend by inserting a new paragraph after the word "ago" in line 19 of the printed bill the following: "Most of these could be dispensed with if the general government should undertake simply to preserve the timber on the public lands from ruthless destruction by depredators or the spread of fires, a policy that would meet the unqualified approval and support of our people."

The above Senate amendment to H. J. M. No. 4 was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cummings, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Tudor, Walker, Wendel, Wilder, Wilham, Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Allen, Campbell, Cato, Cluston, Cutler, Duncan, Hess, Leighton, Longstaff, Miller of Park, Miles, McDonald, Powers, Seidler, Selway, Thompson of Fergus, Towers, Warren, Weed, Whiteside.—20.

INTRODUCTION OF BILLS.

By unanimous consent, Bennett was permitted to introduce the following bill:

By Bennett, H. B. No.—A Bill for an Act relating to corporate banks and banking.

READING OF HOUSE BILLS.

The following Bills was taken from the file:

H. B. No. 414, read first and second times by title only, and referred to Committee on Ways and Means.

MOTIONS AND RESOLUTIONS.

By Miller of Lewis and Clark:

"I move that the Ways and Means Committee be requested to report back to the House Senate Joint Resolution No. 5, at the earliest possible moment."

Motion prevailed.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Tudor in the chair.

House resumed.

Mr. Speaker in the chair.

Tudor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 81, introduced by Miles, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend by adding a prefix to Section 1 as follows: "The Governor may recommend and."

Also having had under consideration Senate Bill No. 78, introduced by Towers, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 69, introduced by McLean, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 88, introduced by Macaulay, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 301, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 386, introduced by Committee on Fairs and Expositions, reports same back to the House with the recommendation that it do pass.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 1, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 356, 395, 398, 240, 390, 247, and 397, have been correctly printed.

The House took a recess at 12:15 P. M. until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

MOTIONS AND RESOLUTIONS.

By Bennett:

"I move that the rules be suspended as to order of business, and that the order of business for the remaining days of the session be arranged by the Speaker, in such manner as will best expedite the work."

Motion prevailed.

COMMUNICATIONS AND PETITIONS.

Petitions signed by 1,600 residents of proposed Daly County, were received and referred to Committee on Townships and Counties.

REPORTS OF STANDING COMMITTEES.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 396, A Bill for an Act entitled, "An Act making it unlawful for any person owning or having sheep in charge to herd or permit the same to be herded on the land or possessory claims of other persons, or to herd the same, or permit the same to be herded or grazed within two miles of the dwelling house of the owner of any land or possessory claim, recommend that the same be indefinitely postponed.

Report adopted.

Morris, from the Committee on Apportionment and Representation, reported as follows:

Helena, Montana, March 1, 1907.

Mr. Speaker:

We, your Committee on Apportionment and Representation, having had under consideration House Bill No. 215, introduced by Morris, entitled, "A Bill for an Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana, and to fix the number of members thereof," beg leave to report that we recommend that said bill be indefinitely postponed for the reason that a like measure originating in the Senate has already been acted upon by this assembly.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 363, A Bill for an Act entitled, "An Act to amend Section 1, sub-division 2, of Section 2, sub-divisions 4 and 6 of Section 15, of an Act entitled An Act to create the office of Meat and Milk Inspector for the State of Montana, and prescribing their powers and duties and compensation therefor, and repealing all Acts and parts of Acts in conflict therewith," respectfully report as follows:

We recommend that the title of the said bill be amended by adding thereto the words: "Approved March 7th, 1903," and by changing the period after the word "therewith" to a comma.

Amend Section 2 of the said bill so that it shall read as follows:

Section 2. Such meat and milk inspectors shall be designated Deputy State Veterinarians of all things pertinent to their office, and shall also make an annual report at the end of the fiscal year, addressed to the State Veterinarian.

Sub-division 1. Said inspectors of the counties of the first class shall receive an annual salary of Two Thousand Dollars (\$2,000.00).

Inspectors of the second class counties shall receive One Thousand Five Hundred Dollars (\$1,500.00) annually; inspectors of the third class counties shall receive One Thousand, Two Hundred Dollars (\$1,200.00) annually; inspectors of the fourth class counties shall receive One Thousand Dollars (\$1,000.00) annually; inspectors of the fifth class counties shall receive Seven Hundred and Fifty Dollars (\$750.00) annually; and inspectors of the sixth and seventh class counties shall receive Six Hundred Dollars (\$600.00) an-

ually, to be paid out of the general state fund monthly.

Sub-division 2. No person shall be appointed to the office of meat and milk inspector in the State of Montana unless he is a graduate in good standing of a regular and reputable veterinary college or veterinary department of a regular and reputable university, and shall before being so appointed, pass an examination before the meat and milk inspection commission on the specialty of meat and milk inspection. And be it further provided that any inspector so appointed must be free from any contagious or infectious disease and must exhibit a physician's certificate so stating, and under no circumstances shall an inspector suffering from any contagious or infectious disease be retained in office, nor shall any person or persons suffering from any contagious or infectious disease be permitted to work about dairies supplying milk to the public nor shall any person or persons be permitted to deliver, carry or handle milk or dairy products intended for public consumption.

Amend Section 3 of the said bill by striking out the same, and by inserting in lieu thereof the following: "That Section 15 of the said Act be amended so as to read as follows:

Section 15. Any person, persons, or corporation, in counties in which a meat and milk inspector is appointed, who conveys milk or cream in vehicles of any character whatsoever, for the purpose of selling it in such counties, shall annually, before the first day of June, be licensed by the meat and milk inspector of said county to sell milk and cream within the limits thereof, and shall pay to such inspector for each and every vehicle of whatsoever character used in the sale or delivery of such milk or cream or dairy product, the sum of Twelve Dollars (\$12.00) per annum, payable quarterly in advance, which sums shall be paid into the State Treasury by such inspector, quarterly, as received, to be turned into the general fund, and receipted therefor by said Treasurer to said inspector.

Sub-division 1. Licenses shall be issued only in the name of the owner of the vehicles, carriages or other conveyances.

Sub-division 2. Such license shall, for the purpose of this Act, be conclusive evidence of ownership, and shall not be assigned or transferred.

Sub-division 3. Each license shall contain the number thereof, the name, the residence, the place of business, the number of vehicles used by the person, persons, or corporation, and the name of every driver or other person employed by the owner or owners in carrying, conveying or selling milk or cream.

Sub-division 4. That each person or persons or corporation, shall, before engaging in the sale of milk or cream or dairy products whatsoever, cause his name and the number of his license to be placed legibly on the outer side of all carriages, vehicles or conveyances of whatsoever character used by him in the conveyance for sale of milk or cream in such manner as the meat and milk inspection commission may direct.

Sub-division 5. Every person or persons, company or corporation, before selling milk or cream, or offering the same for sale in a store, booth, stand, market-place, depot, or any place whatsoever, in a county in which a meat and milk inspector is appointed, shall register in the books of such inspector his or her name, or the name of the company or corporation, and proposed place of sale.

Sub-division 6. Nothing in Section 15 with the exception of sub-division 5 shall be construed as applying to any person or persons selling milk from one cow.

And your Committee respectfully recommends that the said bill as amended do pass.

Report adopted.

Marshall, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 383, A Bill for an Act entitled, "An Act to create the office of State Railway track and road-bed Inspector for the State of Montana, and prescribing his powers and duties, and fixing compensation therefor," having had the same under consideration, beg to report that they are impressed with the idea that it would be practically impossible to accomplish the work of inspection of road beds of railways of the State of Montana, in the manner suggested: that in view of the large extent of mileage, it would require quite a number of men constantly traveling to make any proper inspection; and besides, they doubt very much the expediency of a measure of this kind as it would doubtless have the effect to make less vigilant and efficacious the efforts of the companies themselves to keep their road beds and tracks in repair, and therefore very respectfully report the same back with the recommendation that its further consideration be indefinitely postponed.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Whiteside in the chair.

House resumed.

Mr. Speaker in the chair.

Whiteside, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 248, introduced by McManus, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 12 by striking out in line 92, after the words "sum of," the words and figures "Five Thousand (5000)." and inserting in lieu thereof the words and figures "Seven Thousand (7000)."

Also having had under consideration House Bill No. 286, introduced by Bennetta, reports same back to the House with the recommendation that it do pass.

Report adopted.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 96, 65, 42, 29, and 94, and signed the same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Brownlee, from the Committee on Townships and Counties, reported as follows:

March 1, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 344, introduced by Cameron, being a Bill for an Act to amend Sections 3941 and 3946 of Part III, Title X, Chapter IX, of the Political Code of the State of Montana, relating to the collection and cancellation of taxes on certain personal property; to provide for the appointment of the sheriff, or assessor, as a special deputy treasurer to collect such taxes and capitation taxes, and to provide compensation for such deputy," beg leave to report the same back to the House with the recommendation that the same be printed and placed on general file.

Report adopted.

Also:

March 1, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 375, introduced by Allen, being a Bill for an Act entitled "An Act to create the County of Daly, designate its boundaries, and provide for its organization and government," beg leave to report the same as follows: That the Committee in voting stood four in favor of recommending the bill favorably, and four against, eight members of the Committee being present. Therefore, your Committee recommend that the bill be printed and placed on general file.

Motion by O'Connor that report be adopted.

Substitute motion by Miller of Park, that House Bill No. 375 be indefinitely postponed.

Substitute motion prevailed. Original motion lost.

Motion by Weed that vote for postponement of House Bill No. 375 be reconsidered.

Motion by Miller of Lewis and Clark that motion of Weed be laid on the table. Motion prevailed.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bill as correctly enrolled this 1st day of March, 1907:

Substitute for House Bill No. 45. "An Act to provide for the creation and organization of irrigation districts; to provide for the election of a board of three directors in each district, defining the duties and powers of such directors and fixing their compensation and making it penal for any such director to be interested in any contract let by such board; to authorize the issuance of bonds and fixing the duration, character and form of said bonds, and making said bonds a lien upon the particular lands for the irrigation of which said bonds are issued; providing for the assessment of lands in such irrigation districts for the payment of the principal and interest of said bonds and for the administration expenses of said irrigation districts and the maintenance of all irrigation works in such districts.

To provide for the equalization of all district assessments by the directors of said districts.

To provide for appeals from all decisions of the directors of irrigation districts. Making the County Treasurer in the counties where such districts are organized the custodian of all funds and securities belonging to such districts.

Providing for the sale of lands for delinquent assessments and the manner in which the same may be redeemed.

To provide for the extension of such irrigation districts and the adjustment and payment of all differences between the old and new portions of such districts.

To provide for the sale of water by any district to any other district and fixing the manner and form of payment therefor and the manner in which differences between such districts shall be adjusted.

Making and declaring the construction of all irrigation works to be a public use and granting right of way therefor over state lands, and exemption of all such irrigation works from taxation.

To provide for the payment and transfer of money to or from the various funds of said district; to provide for the manner in which lands belonging to the state or to the United States may be included in such districts; making the lessees or settlers of such lands liable for certain assessment and providing for the collection of such assessments and fixing the time wherein the water apportioned to such public land shall become appurtenant to the same.

Mr. Speaker announced that he was about to sign Substitute for House Bill No. 45, and signed the same in the presence of the House.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 369, introduced by Committee on Live Stock and Public Ranges, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 3 by striking out in lines 24 and 25, the words "annually at least once a week for four consecutive weeks in two," and inserting in lieu thereof the words: "for the period of four successive issues next after May 1st, of each year in three."

Amend Section 3 by striking out in line 25 the word "two" and inserting the word "four;" also by adding the letter "s" to the words "other" and "city," in line 26; also insert in line 26 the words "Miles City" and "Fort Benton."

Also having had under consideration House Bill No. 336, introduced by Weed, by request, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 316, introduced by Committee on Ways and Means, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 333, introduced by Cameron, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 343, introduced by Brewster, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by adding the following: "and to forbid the running at large of live stock under certain conditions."

Insert a new Section between Sections 2 and 3 as follows:

"Section 3. Whenever a majority of the freeholders, said freeholders representing a majority of the acreage of land in any district containing not less than thirty-six square miles, and not more than one county, a majority of the acreage of which land is under cultivation, shall petition the Board of County Commissioners to forbid the running of stock at large in such district, the Board of County Commissioners shall enter an order, on their minutes forbidding the running of stock at large in such district, the said order shall describe the boundaries of said district and shall be published once a week for three successive weeks in the newspaper published nearest to the district and after said publication it shall be unlawful for any person to allow live stock to run in said district, and any person shall have the right to take up and confine any live stock found running at large in such district and shall have the right to hold such stock until all just charges for the care and keeping of the same have been paid by the owner of such live stock. And, in the event that any such livestock is not claimed by the owners of the same within thirty days such live stock shall be treated in all respects as strays."

Amend Sections 3 and 4 by re-numbering said Sections as 4 and 5.

Report adopted.

On motion by Miller of Park, the rules were suspended and House Bill No. 369 was placed on third reading.

READING OF HOUSE BILLS.

House Bill No. 309, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Decker, Farmer, Fischer, Gerber, Greene, Harden, Hess, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, McManus, Macaulay, Patten, Potter, Scallon, Root, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—47.

Noes.—O'Connor.—1.

Absent and not voting.—Allen, Beckwith, Bennett of Madison, Blewett, Cato, Corby, Cummings, Cutler, Duncan, English, Goff, Gray, Griffin, Harbordt, Kirwan, Logan, Longstaff, Miles, Morgan, Morris, McDonald, Powers, Ross, Warren, Wilham.—25.

Title agreed to.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 364, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Sections 1 and 2 by striking out in lines 6 and 9 the name of Nathan Godfrey and inserting in lieu thereof the name of Chas. B. Gibbs.

Also having had under consideration House Bill No. 216, introduced by Goff, reports same back to the House with the recommendation that it be re-referred to Committee on Appropriations.

Also having had under consideration House Bill No. 279, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 296, introduced by Cameron, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 335, introduced by Gray, by request, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 365, introduced by Decker, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 394, introduced by Thompson of Sanders, reports same back to the House with the recommendation that it be indefinitely postponed.

Also having had under consideration House Bill No. 347, introduced by Miller of Park, reports same back to the House with the recommendation that it do pass as amended, as follows:

Strike out the words "for a period not exceeding three years," in line 291 of Section 1, and insert in lieu thereof the word "and." Strike out the words "with special improvement warrants, which warrants shall bear interest at a rate not to exceed six (6) per centum per annum," in lines 293 and 294 of said Section, and insert in lieu thereof the words "as may be otherwise provided by law."

Amend Section 1, line 309, by striking out the word "herein," after the word "nothing" and insert in lieu thereof the words "in this section."

Also having had under consideration House Bill No. 211, introduced by C. B. Miller, reports same back to the House with the recommendation that it be re-referred to general orders to be considered with House Bill No. 339.

Also having had under consideration House Bill No. 312, introduced by Cameron, reports same back to the House with the recommendation that it do pass.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Patten, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit the following bills correctly engrossed: Sub. for H. B. 310, Sub. for H. B. 144, House Bills 280, 114, 393, 378, 388, 227, 387, 270, 376, 101, 292, 268, 143, 269, 379, 301, H. J. R. No. 8, H. J. M. No. 7.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 1, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 391 and 406 have been correctly printed.

On motion of Shaw, the House adjourned at 5:30 P. M.

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

FIFTY-FIFTH DAY

Saturday, March 2, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Barbour, Cato, Cummings, Cutler, Duncan, Gray, Miles, Morris, McDonald, Powers, Ross, and Warren. Cato and Duncan excused.

REPORTS OF STANDING COMMITTEES.

Boorman reported as follows:

Mr. Speaker:

Your Committee on House Journal beg leave to report having examined the journal of Friday, March 1, and believe the same to be correct to the best of our knowledge.

Report adopted.

Beckwith, from the Committee on Federal Relations, reported as follows:

March 2, 1907.

Mr. Speaker:

We, your Committee on Federal Relations, having had under consideration Joint Resolutions Nos. 3 and 6, recommend the same be concurred in.

Report adopted.

Walker, from the Committee on Corporations other than Municipal, reported as follows:

Helena, Montana, March 2, 1907.

Mr. Speaker:

Your Committee on Corporations other than Municipal, to whom was referred Senate Bill No. 50, introduced by Miles, A Bill for an Act entitled, "An Act to amend Sections 1. 17 and 25, and to repeal Sections 10. 11. 12. 13. 14,

21 and 27 of Senate Bill No. 64, 'An Act to provide for the organization, regulation and inspection of Building and Loan Associations, and to repeal Sections 770 to 790, inclusive, and 800 to 845, inclusive, of the Civil Code of Montana,' approved March 4, 1897," recommend the same for passage.

Report adopted.

Also:

Helena, Montana, March 2, 1907.

Mr. Speaker:

Your Committee on Corporations other than Municipal, having had under consideration Senate Bill No. 101, A Bill for an Act entitled: "An Act to amend Section 864 of the Civil Code, relating to corporations," recommend that the same do pass.

Report adopted.

Also:

Helena, Montana, March 2, 1907.

Mr. Speaker:

Your Committee on Corporations other than Municipal, having had under consideration Senate Bill No. 110, A Bill for an Act entitled: "An Act to prohibit the making or publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary condition or property of any corporation, joint stock of any corporation, joint stock association, co-partnership or individual, which said statements or publications are intended to give, or shall have a tendency to give, a less or greater apparent value to the shares, bonds or property, or any part thereof, of said corporation, joint stock association, co-partnership or individual, than the said shares, bonds, or property shall really and in fact possess, and providing a penalty therefor," recommend that the same do pass.

Report adopted.

Decker, from the Committee on Irrigation and Water Rights, to whom was referred House Bill No. 368, entitled, "A Bill for an Act entitled, "An Act appropriating money for the reimbursement of organized water users' associations for fees paid the Secretary of State on filing articles of incorporation and issuance of certificates of incorporation prior to the passage and approval of an Act entitled 'An Act providing the water users' associations organized in conformity with the requirements of the laws of the United States and the State of Montana for the furnishing of water only to its share holders, shall be exempt from incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such articles and issuing certificate of incorporation," report same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

MOTIONS AND RESOLUTIONS.

Motion by Shaw, that the rules be suspended and that the following Resolution be received and placed on final passage. Motion prevailed.

By Burke:

Whereas, Mr. E. L. Dickinson and Mr. Joseph D. Gokey have been, since the beginning of this Session operating the elevators in this Capitol Building.

with fidelity and to the entire satisfaction of this Assembly, and to their perfect safety; and

Whereas, they have received for said service only the sum of three dollars per day while all the other employees of this Assembly in whatever capacity they have been employed, have received more than said sum;

Therefore Be It Resolved by this House, the Senate concurring, that the names of the said E. L. Dickinson and Joseph Gokey be placed on the roll of this Assembly and that their pay be fixed at the sum of five dollars per day from the first day of the Session, and that they be paid the difference between three dollars, the amount they have heretofore received, and five dollars per day, up to the last pay day, and from that time to the end of the Session they be paid five dollars per day.

Roll was called and the above Resolution was adopted by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Greene, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Moore, Morgan, McManus, Macaulay, Patten, Root, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—49.

Noes.—Brewster, Goff, Miller of Lewis and Clark, Potter.—4.

Absent and not voting.—Barbour, Boorman, Cato, Cummings, Cutler, Duncan, Gray, Harden, Hess, Miles, Miller of Park, Morris, McDonald, O'Connor, Powers, Ross, Scallon, Seidler, Selway, Warren.—20.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 128, 130, and 192, were this day read third time and concurred in as amended in the Senate and are herewith returned to the House for concurrence in amendments.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, March 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

S. B. No. 133, by White. A Bill for an Act to amend Section 601 of the Civil Code of the State of Montana, relating to the liability of stockholders of Trust and Security Corporations. Referred to Committee on Corporations other than Municipal.

S. B. No. 134, by White. A Bill for an Act to amend Section 578 of the Civil Code of the State of Montana, relating to the liability of stockholders of banks and banking corporations. Referred to Committee on Corporations other than Municipal.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, March 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times by title only:

H. B. No. 195, by Barbour. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 352, by Allen. Referred to Committee on Judiciary.

H. B. No. 328, by Scallon. Referred to Committee on Railroads and Transportation.

H. B. No. 160, by Wendel. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 194, by Cummings. Referred to Committee on Finance and Claims.

H. B. No. 196, by Swindlehurst. Referred to Committee on Judiciary.

H. B. No. 261, by Weed, by request. Referred to Committee on Judiciary.

H. B. No. 317, by Whiteside. Referred to Committee on Finance and Claims.

H. B. No. 282, by Towers, by request. Referred to Committee on Finance and Claims.

Sub. for House Bill No. 57, by Committee on Live Stock and Public Ranges. Referred to Committee on Stockgrowing and Grazing.

H. B. No. 293, by Allen. Referred to Committee on Judiciary.

H. B. No. 256, by Weed. Referred to Committee on Corporations other than Municipal.

H. B. No. 308, by Scallon. Referred to Committee on Judiciary.

H. B. No. 251, by Allen. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 258, by Goff. Referred to Committee on Counties, Towns and Municipal Corporations.

H. B. No. 353, by Allen. Referred to Committee on Finance and Claims.

H. B. No. 314, by Harden. Referred to Committee on Finance and Claims.

H. B. No. 18, by Blake. Referred to Committee on Judiciary.

H. B. No. 255, by Miller of Park. Referred to Committee on Judiciary.

H. B. No. 306, by Macaulay. Referred to Committee on Elections and Privileges.

H. B. No. 85, by Wendel. Referred to Committee on Public Buildings.

H. B. No. 329, by Committee on Irrigation and Water Rights. Referred to Committee on Irrigation and Water Rights.

Sub. for House Bill No. 10, by Committee on Ways and Means. Referred to Committee on Judiciary.

H. B. No. 337, by McDonald. Referred to Committee on Elections and Privileges.

H. B. No. 179, by Miller of Park. Referred to Committee on Mines and Mining.

H. K. HOWRY, Secretary.

On motion by Miller of Park, House Bill No. 280 was taken from third reading and placed at the head of general orders.

Helena, Montana, March 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Finance and Claims, to whom was referred H. B. No. 202, having this day recommended that it be indefinitely postponed, and their report having been adopted by the Senate, the same is herewith returned.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, March 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 43, 74, 158, 153, 168, 277 and Sub. for H. B. Nos. 19 and 44, were this day read third time and concurred in as received from the House and are herewith returned.

Respectfully,

H. K. HOWRY, Secretary.

Helena, Montana, March 1, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that that H. J. R. No. 10, expressing the feelings of regret with which the Assembly has learned of the death of the Honorable A. Sterne Blake, was this day introduced, adopted by the Senate, and ordered printed in full in the Journal.

Respectfully,

H. K. HOWRY, Secretary.

The following Senate amendments to House Bill No. 128 were read:

Amend Section 1 by inserting after the word "operated," in line 7, the words "or for any telegraph, telephone or messenger company." Strike out all of lines 8 and 9 preceding the word "or" where it last occurs.

Amend Section 4 by adding at the end of said Section the following: "Should such child prove to be less than sixteen years of age."

The above Senate amendments to House Bill No. 128, were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Corby, Clus-ton, Decker, English, Farmer, Fischer, Gerber, Goff, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Moore, Morgan, Macaulay, Patten, Potter, Root, Scallon, Selway, Swindlehurst, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Wilham, Mr. Speaker.—49.

Noes.—McManus.—1.

Absent and not voting.—Barbour, Cameron, Cato, Cummings, Cutler, Duncan, Greene, Gray, Hess, Maxwell, Miles, Miller of Park, Morris, McDonald, O'Connor, Powers, Ross, Seidler, Shaw, Sherman, Thompson of Sanders, Warren, Whiteside.—23.

The following Senate amendments to House Bill No. 140 were read:

Add after the word "others" in line 86 of printed bill the following: "And in the case of any text book whose publication shall not have been completed before the meeting of the State Text Book Commission, it shall

be permissible for the publisher in making a bid to file with the Commission a copy of the manuscript of such text book, together with such exhibits as will satisfactorily illustrate the quality of paper, typography and binding to be used in the publication of such text book, and it shall be permissible for the Commission to adapt such text book in their discretion, the same as in the case of any text book previously published."

The above Senate amendments to House Bill No. 140 were concurred in by the following vote:

Ayes.—Allen, Barbour, Bennetts of Silver Bow, Blake, Blewett, Boorman, Burke, Campbell, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Greene, Griffin, Harbordt, Kroger, Leighton, Logan, Longstaff, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, McManus, Macaulay, Patten, Potter, Root, Scallon, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Mr. Speaker.—44.

Noes.—Kirwan.—1.

Absent and not voting.—Barbour, Bennett of Madison, Brewster, Brownlee, Cato, Cummings, Cutler, Duncan, Goff, Gray, Harden, Hess, Hyndman, Manchester, Miles, Miller of Park, Morris, McDonald, O'Connor, Powers, Ross, Seidler, Shaw, Sherman, Warren, Whiteside, Wilder, Wilham.—28.

The following Senate amendments to House Bill No. 192 were read:

Strike out in the three last lines of Section 1 the words: "Nothing in this Act shall be construed to interfere in any manner with the practice of pharmacy as provided for by the statutes of this State," and insert in lieu thereof the following: "Nothing in this Act shall prohibit any legally licensed pharmacist or mercantile dealer from selling any drugs or medicines which are now allowed to be sold under the laws of the State of Montana or the United States."

The above Senate amendments to House Bill No. 192 were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Root, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker, Thompson of Fergus.—57.

Noes.—None.

Absent and not voting.—Barbour, Brewster, Cato, Cummings, Cutler, Duncan, Gray, Harden, Hess, Miles, Morris, McDonald, Powers, Ross, Seidler, Warren. 16.

THIRD READING OF SENATE BILLS.

Senate Bill No. 81, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Harbordt,

Harden, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Marshall, Maxwell, Miller of Park, Moore, Morgan, Macaulay, Potter, Root, Scallon, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—52.

Noes.—O'Connor.—1.

Absent and not voting.—Barbour, Brewster, Cato, Cummings, Cutler, Duncan, Gray, Hess, Manchester, Miles, Miller of Lewis and Clark, Morris, McDonald, McManus, Patten, Powers, Ross, Seidler, Sherman, Warren.—20.

Title agreed to.

Senate Bill No. 69, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Decker, Farmer, Fischer, Goff, Greene, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Marshall, Maxwell, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Wendel, Weed, Wilder, Wilham, and Mr. Speaker pro tem.—44.

Noes.—None.

Absent and not voting.—Barbour, Bennetts of Silver Bow, Cato, Corby, Cummings, Cutler, Duncan, English, Gerber, Gray, Harden, Hess, King, Logan, Manchester, Miles, Miller of Lewis and Clark, Morris, McDonald, McManus, Potter, Powers, Root, Ross, Scallon, Seidler, Towers, Warren, Whiteside.—29.

Title agreed to.

Senate Bill No. 78, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Decker, Gerber, Goff, Harbordt, Hyndman, Kirwan, Kroger, Logan, Longstaff, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, O'Connor, Patten, Potter, Root, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker pro tem.—42.

Noes.—None.

Absent and not voting.—Barbour, Blake, Cato, Corby, Cummings, Cutler, Duncan, English, Farmer, Fischer, Greene, Gray, Griffin, Harden, Hess, King, Leighton, Manchester, Miles, Miller of Park, Morris, McDonald, McManus, Macaulay, Powers, Ross, Scallon, Seidler, Thompson of Fergus, Towers, Warren.—31.

Title agreed to.

THIRD READING OF HOUSE BILLS.

House Joint Memorial No. 7, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cluston, Decker, Fischer, Gerber, Greene, Harbordt, Hyndman, Kirwan, Kroger, Longstaff, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, O'Connor, Patten, Potter, Root, Selway,

Shaw, Sherman, Thompson of Sanders, Walker, Weed, Wendel, Whiteside. Wilder, Wilham. Mr. Speaker pro tem.—39.

Noes.—None.

Absent and not voting.—Barbour, Bennetts of Silver Bow, Cameron, Cato, Corby, Cummings, Cutler, Duncan, English, Farmer, Goff, Gray, Griffin, Harden, Hess, King, Leighton, Logan, Manchester, Miles, Miller of Park, Morris, McDonald, McManus, Macaulay, Powers, Ross, Scallon, Seidler, Thompson of Fergus, Towers, Tudor, Warren, Swindlehurst.—34.

Title agreed to.

House Joint Resolution No. 8, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Campbell, Corby, Cluston, Decker, English, Fischer, Gerber, Goff, Greene, Harbordt, Hyndman, Kroger, Leighton, Logan, Longstaff, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Macaulay, Patten, Potter, Root, Selway, Shaw, Sherman, Thompson of Sanders, Walker, Weed, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—41.

Noes.—None.

Absent and not voting.—Barbour, Blewett, Cameron, Cato, Cummings, Cutler, Duncan, Farmer, Gray, Griffin, Harden, Hess, King, Kirwan, Manchester, Miles, Miller of Park, Morgan, Morris, McDonald, McManus, O'Connor, Powers, Ross, Scallon, Seidler, Swindlehurst, Thompson of Fergus, Towers, Tudor, Warren, Wilder.—32.

House Bill No. 101, having been read three several times, was passed by the following vote:

Ayes.—Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Campbell, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hyndman, Kroger, Leighton, Logan, Longstaff, Marshall, Maxwell, Miller of Park, Moore, Macaulay, Patten, Potter, Root, Selway, Sherman, Shaw, Thompson of Sanders, Tudor, Walker, Weed, Wendel, Whiteside, Mr. Speaker pro tem.—41.

Noes.—Burke.—1.

Absent and not voting.—Barbour, Beckwith, Blake, Cameron, Cato, Cummings, Cutler, Duncan, Griffin, Harden, Hess, King, Kirwan, Miles, Miller of Lewis and Clark, Morgan, Morris, McDonald, McManus, O'Connor, Powers, Ross, Scallon, Seidler, Swindlehurst, Thompson of Fergus, Towers, Warren, Wilder, Wilham, Manchester.—31.

Title agreed to.

House Bill No. 114, having been amended by striking out in line 23 the words "to be so," and inserting in lieu thereof the word "hereby," was then read third time and passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Hyndman, Kroger, Leighton, Logan, Longstaff, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Potter, Root, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders,

Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside.—49.

Noes.—Gray, Harbordt and Kirwan.—3.

Absent and not voting.—Barbour, Cato, Cummings, Cutler, Duncan, Har-
cen, Hess, King, Manchester, Miles, Morris, McDonald, McManus, Patten,
Powers, Ross, Seidler, Warren, Wilder, Wilham, and Mr. Speaker pro tem.—21.

Title agreed to.

House Bill No. 143, having been read three several times, was defeated
by the following vote:

Ayes.—Bennetts of Silver Bow, Blake, Boorman, Brewster, Burke, Corby,
Cluston, Gerber, Gray, Harbordt, Kirwan, Logan, Longstaff, Moore, Morgan,
Swindlehurst, Towers, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—21.

Noes.—Beckwith, Bennett of Madison, Blewett, Brownlee, Cameron,
Decker, Farmer, Goff, Griffin, Hyndman, Kroger, Marshall, Maxwell, Miller of
Lewis and Clark, Miller of Park, Macaulay, O'Connor, Patten, Potter, Root,
Scallon, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Tudor,
Weed.—27.

Absent and not voting.—Barbour, Campbell, Cato, Cummings, Cutler,
Duncan, English, Fischer, Greene, Harden, Hess, King, Leighton, Manchester,
Miles, Morris, McDonald, McManus, Powers, Ross, Seidler, Sherman, Walker,
Warren, Wilder.—25.

Motion by Miller of Park to reconsider vote on House Bill No. 143.

Motion by Bennett, that motion to reconsider be laid on the table.

Motion to table prevailed.

Substitute for House Bill No. 144, having been read three several times,
was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett,
Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker,
Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kirwan,
Kroger, Logan, Longstaff, Marshall, Maxwell, Miller of Lewis and Clark,
Miller of Park, Moore, Morgan, Macaulay, Potter, Root, Selway, Shaw,
Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel,
Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—45.

Noes.—O'Connor and Patten.—2.

Absent and not voting.—Barbour, Blake, Campbell, Cato, Cummings,
Cutler, Duncan, English, Fischer, Harden, Hess, King, Leighton, Manchester,
Miles, Morris, McDonald, McManus, Powers, Ross, Scallon, Seidler, Sherman,
Swindlehurst, Warren, Weed.—26.

Title agreed to.

House Bill No. 227, having been read three several times, was passed by
the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake,
Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Decker,
Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman,
Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark,
Miller of Park, Moore, Morgan, Root, Scallon, Selway, Shaw, Sherman, Swin-
dlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Wen-
del, Mr. Speaker pro tem.—42.

Noes.—Cluston, Kirwan, O'Connor, Whiteside, Wilder, Wilham.—6.

Absent and not voting.—Barbour, Campbell, Cato, Cummings, Cutler, Duncan, English, Fischer, Hess, King, Leighton, Longstaff, Miles, Morris, McDonald, McManus, Macaulay, Patten, Potter, Powers, Ross, Seidler, Tudor, Warren, Weed.—25.

Title agreed to.

House Bill No. 268, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker, Farmer, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, O'Connor, Patten, Root, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker pro tem.—49.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Boorman, Campbell, Cato, Cummings, Cutler, Duncan, English, Fischer, Gray, Hess, King, Miles, Morris, McDonald, Macaulay, Potter, Powers, Ross, Seidler, Tudor, Warren, Weed.—24.

Title agreed to.

House Bill No. 269, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Root, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Walker, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—47.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Boorman, Campbell, Cato, Cummings, Cutler, Duncan, English, Hess, King, Kroger, Miles, Morris, McDonald, McManus, Potter, Powers, Ross, Scallon, Seidler, Selway, Thompson of Sanders, Tudor, Warren, Weed.—26.

Title agreed to.

House Bill No. 270, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Cameron, Corby, Cluston, Decker, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Root, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Walker, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—47.

Noes.—None.

Absent and not voting.—Bennett of Madison, Brewster, Campbell, Cato,

Cummings, Cutler, Duncan, English, Harden, Hess, King, Maxwell, Miles, Morris, McDonald, McManus, Potter, Powers, Ross, Seidler, Selway, Thompson of Sanders, Tudor, Warren, Weed, Kroger.—26.

House Bill No. 202, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Boorman, Brownlee, Campbell, Cameron, Corby, Cluston, Decker, English, Farmer, Gerber, Goff, Greene, Griffin, Harbordt, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Macaulay, O'Connor, Patten, Root, Scallon, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—45.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Brewster, Burke, Cato, Cummings, Cutler, Duncan, Fischer, Gray, Harden, Hess, King, Kirwan, Miles, Miller of Park, Morris, McDonald, McManus, Potter, Powers, Ross, Seidler, Selway, Sherman, Tudor, Warren.—28.

Title agreed to.

House Bill No. 301, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Blake, Boorman, Brownlee, Burke, Campbell, Cameron, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Harbordt, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Morgan, Macaulay, O'Connor, Patten, Root, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—45.

Noes.—None.

Absent and not voting.—Bennett of Madison, Bennetts of Silver Bow, Blewett, Brewster, Cato, Cummings, Cutler, Corby, Duncan, Gray, Harden, Hess, King, Kirwan, Leighton, Maxwell, Miles, Miller of Park, Moore, Morris, McDonald, McManus, Potter, Powers, Ross, Seidler, Selway, Warren.—28.

Title agreed to.

House Bill No. 310, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Gray, Griffin, Harbordt, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Macaulay, O'Connor, Patten, Potter, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—48.

Noes.—Kirwan.—1.

Absent and not voting.—Bennetts of Silver Bow, Cato, Corby, Cummings, Cutler, Duncan, Greene, Harden, Hess, King, Leighton, Miles, Miller of Park, Morgan, Morris, McDonald, McManus, Powers, Root, Ross, Seidler, Selway, Warren, Wilder.—24.

Title agreed to.

House Bill No. 376, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Decker, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Scallon, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—49.

Noes.—Cluston.—1.

Absent and not voting.—Bennetts of Silver Bow, Cato, Corby, Cummings, Cutler, Duncan, Fischer, Harden, Hess, King, Leighton, Miles, Miller of Park, Morris, McDonald, Powers, Root, Ross, Seidler, Selway, Swindlehurst, Warren, Wilder.—23.

Title agreed to.

House Bill No. 378, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Blake, Blewett, Brewster, Brownlee, Campbell, Cameron, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Weed, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—45.

Noes.—None.

Absent and not voting.—Bennett of Madison, Bennetts of Silver Bow, Boorman, Burke, Cato, Corby, Cummings, Cutler, Duncan, Harden, Hess, King, Manchester, Miles, Morris, McDonald, McManus, Potter, Powers, Root, Ross, Seidler, Selway, Towers, Tudor, Walker, Warren, Wilder.—28.

Title agreed to.

House Bill No. 379, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Moore, Morgan, Macaulay, O'Connor, Patten, Potter, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—49.

Noes.—None.

Absent and not voting.—Beckwith, Bennetts of Silver Bow, Cato, Corby, Cummings, Cutler, Duncan, Harden, Hess, King, Miles, Miller of Lewis and Clark, Miller of Park, Morris, McDonald, McManus, Powers, Ross, Seidler, Selway, Tudor, Warren, Weed, Wilder.—24.

Title agreed to.

House Bill No. 387, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Blake, Blewett, Boorman,

Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Patten, Root, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—50.

Noes.—None.

Absent and not voting.—Bennetts of Silver Bow, Cato, Corby, Cummings, Cutler, Decker, Duncan, Harden, Hess, King, Longstaff, Miles, Morris, McDonald, Macaulay, O'Connor, Potter, Powers, Ross, Seidler, Selway, Warren, Wilder.—23.

Title agreed to.

House Bill No. 388, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Burke, Brewster, Brownlee, Campbell, Cameron, Cluston, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Root, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—52.

Noes.—None.

Absent and not voting.—Blewett, Boorman, Cato, Corby, Cummings, Cutler, Duncan, Harden, Hess, King, Logan, Miles, Morris, McDonald, Powers, Ross, Seidler, Selway, Walker, Warren, Wilder.—21.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit the following bills correctly engrossed: Sub. for H. B. No. 316, House Bills 312, 343, 88, 279, 335, 269, 296, 333, 364, 286, 336, 386, 365.

The House took a recess at 12:10 until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

INTRODUCTION OF BILLS.

On motion of Allen, Blake was given consent to introduce the following bill:

By Blake, H. B. No. 415. A Bill for an Act entitled "An Act to amend Section 443 of the Political Code of Montana, relating to bonds to be given by the State Treasurer.

READING OF HOUSE BILLS.

H. B. No. 415, read first and second times by title only, and referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 2, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 400, 354, 342, 401, 299, 408, 358, 385, 402, 351, 170, Sub. for 371, 411, 357, 403, 404, 405, 327, 348, have been correctly printed.

Wendel, from the Committee on Affairs of Cities, reported as follows:

Helena, Montana, February 26, 1907.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration Senate Bill No. 66, introduced by Long, being a Bill for an Act entitled: "An Act to create the office of state fire warden, providing for the appointment of deputies, and relating to their compensation and duties," beg leave to respectfully recommend that the same be concurred in.

Report adopted.

Miller of Park, from the Steering Committee, reported as follows:

Mr. Speaker:

The Steering Committee respectfully request that the chairman of each standing committee report by Monday, the 4th day of March, 10 A. M., the number and introducer of each bill remaining unreported on in his committee.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 2, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Secretary H. K. Howry having this day tendered to the Senate his resignation as Secretary, and the same having been accepted, C. E. Wight has been appointed as his successor.

J. C. FARRINGTON, Assistant Secretary.

REPORTS OF STANDING COMMITTEES.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 414, introduced by Bennett, being a Bill for an Act entitled, An Act relating to corporate banks and banking, beg leave to report same back with the recommendation that it be indefinitely postponed, and submit a substitute therefor with the recommendation said substitute do pass.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Helena, Montana, March 2, 1907.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration Senate Joint Resolution No. 3, introduced by Everett, entitled "Protesting to the Congress of the United States against the passage of the so-called Burkett Bill, providing for permits for ranging stock upon the pub-

lic domain," recommend that the same be concurred in as amended, as follows: Strike out after the word "head" in line 13, the words "or any leasing system."

Report adopted.

Also:

Helena, Montana, March 2, 1907.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration Senate Bill No. 85, A Bill for an Act entitled, An Act to protect the owners of horses, mules and asses, and to cause the inspection of the same before removal from one county to another or beyond the boundaries of the State of Montana," recommend that the same be concurred in.

Report adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 303, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Cameron, Corby, Decker, Duncan, Fischer, Gerber, Gray, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Potter, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—48.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, Brownlee, Campbell, Cato, Cluston, Cummings, Cutler, English, Farmer, Goff, Greene, Griffin, Harbordt, Harden, Kirwan, Miles, Morris, O'Connor, Powers, Root, Ross, Scallon, Seidler, Towers.—25.

Title agreed to.

Substitute for House Bill No. 316, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Bennett of Madison, Boorman, Brewster, Brownlee, Cameron, Decker, Duncan, Gray, Griffin, Harden, Hyndman, Logan, Manchester, Maxwell, Miller of Park, Macaulay, O'Connor, Patten, Potter, Selway, Shaw, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—31.

Noes.—Bennetts of Silver Bow, Blake, Blewett, Burke, Campbell, Corby, English, Gerber, Harbordt, Hess, Kirwan, Kroger, Leighton, Longstaff, Marshall, Miller of Lewis and Clark, Moore, McDonald, Sherman, Swindlehurst, Thompson of Fergus, Wilder, Wilham.—23.

Absent and not voting.—Beckwith, Cato, Cluston, Cummings, Cutler, Farmer, Fischer, Goff, Greene, Miles, Morgan, Morris, Powers, Root, Ross, Scallon, Seidler, Warren, McManus.—19.

Title agreed to.

House Bill No. 312, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Duncan, Eng-

lish, Fischer, Gerber, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, McDonald, Macaulay, O'Connor, Patten, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—50.

Noes.—Potter.—1.

Absent and not voting.—Barbour, Campbell, Cato, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Goff, Greene, Miles, Morgan, Morris, McManus, Powers, Root, Ross, Scallon, Seidler, Warren, Wilham.—22.

Title agreed to.

House Bill No. 343, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Duncan, English, Gerber, Gray, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miller of Park, Morgan, McDonald, McManus, Macaulay, O'Connor, Selway, Sherman, Swindlehurst, Towers, Tudor, Walker, Weed, Whiteside, Wilder, Mr. Speaker.—40.

Noes.—Bennett of Madison, Brownlee, Decker, Harbordt, Maxwell, Miller of Lewis and Clark, Patten, Potter, Thompson of Sanders, Thompson of Fergus, Wendel.—11.

Absent and not voting.—Cato, Corby, Cluston, Cummings, Cutler, Farmer, Fischer, Goff, Greene, Griffin, Harden, Miles, Moore, Morris, Powers, Root, Ross, Scallon, Seidler, Shaw, Warren, Wilham.—22.

Title agreed to.

House Bill No. 365, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Decker, Duncan, English, Fischer, Gerber, Gray, Harbordt, Harden, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, O'Connor, Patten, Potter, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Mr. Speaker.—48.

Noes.—None.

Absent and not voting.—Cato, Corby, Cluston, Cummings, Cutler, Farmer, Goff, Greene, Griffin, Hess, Maxwell, Miles, Moore, Morris, McManus, Macaulay, Powers, Root, Ross, Scallon, Seidler, Selway, Warren, Whiteside, Wilham.—25.

Title agreed to.

House Bill No. 270, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Decker, Duncan, English, Fischer, Gerber, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis Clark, Miller of Park, Moore,

Morgan, Patten, Potter, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Mr. Speaker.—52.

Noes.—None.

Absent and not voting.—Blake, Cato, Cluston, Cummings, Cutler, Farmer, Goff, Greene, Miles, Morris, McDonald, McManus, Macaulay, O'Connor, Powers, Root, Ross, Scallon, Seidler, Whiteside, Wilham.—21.

Title agreed to.

House Bill No. 335, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Decker, Duncan, Fischer, Gerber, Harbordt, Harden, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Patten, Potter, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Mr. Speaker.—44.

Noes.—Kirwan and Longstaff.—2.

Absent and not voting.—Blake, Cato, Cluston, Cummings, Cutler, English, Farmer, Goff, Greene, Gray, Griffin, Hess, Leighton, Miles, Morris, McDonald, McManus, Macaulay, O'Connor, Powers, Root, Ross, Scallon, Seidler, Sherman, Whiteside, Wilham.—27.

Title agreed to.

House Bill No. 386, having been read three several times, was passed by the following vote:

Ayes.—Bennetts of Silver Bow, Blake, Blewett, Campbell, Cameron, Gerber, Harbordt, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miller of Park, Moore, Patten, Selway, Shaw, Tudor, Walker, Weed, Wendel, Mr. Speaker.—24.

Noes.—Allen, Beckwith, Bennett of Madison, Boorman, Brewster, Corby, Decker, Duncan, Fischer, Harden, Kirwan, Maxwell, Miller of Lewis and Clark, Morgan, Potter, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Wilder.—21.

Absent and not voting.—Barbour, Brownlee, Burke, Cato, Cluston, Cummings, Cutler, English, Farmer, Goff, Greene, Gray, Griffin, Hess, Miles, Morris, McDonald, McManus, Macaulay, O'Connor, Powers, Root, Ross, Scallon, Seidler, Thompson of Fergus, Whiteside, Wilham.—28.

Title agreed to.

House Bill No. 333, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Campbell, Cameron, Corby, Decker, Duncan, Fischer, Gerber, Harbordt, Harden, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, Potter, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Weed, Wendel, Mr. Speaker.—38.

Noes.—Miller of Lewis and Clark, and Warren.—2.

Absent and not voting.—Barbour, Brownlee, Burke, Cato, Cluston, Cum-

mings, Cutler, English, Farmer, Goff, Greene, Gray, Griffin, Hess, Logan, Miles, Morris, McDonald, Macaulay, McManus, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Thompson of Fergus, Walker, Whiteside, Wilder, Wilham.—33.

Title agreed to.

By unanimous consent, House Bill No. 364, was amended by striking out the name of H. K. Howry and inserting the name of Chas E. Wight. House Bill No. 364 was then read third time and passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Blewett, Boorman, Brewster, Campbell, Cameron, Corby, Decker, Duncan, Fischer, Gerber, Harbordt, Harden, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Patten, Potter, Selway, Shaw, Sherman, Thompson of Sanders, Towers, Warren, Weed, Wendel, Whiteside, Mr. Speaker.—38.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennetts of Silver Bow, Blake, Brownlee, Burke, Cato, Cluston, Cummings, Cutler, English, Farmer, Goff, Greene, Griffin, Gray, Hess, Logan, Miles, Morris McDonald, McManus, Macaulay, O'Connor, Powers, Root, Ross, Scallon, Seidler, Swindlehurst, Thompson of Fergus, Tudor, Walker, Wilder, Wilham.—35.

House Bill No. 286, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Decker, Duncan, Fischer, Gerber, Harden, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, McManus, Macaulay, Patten, Selway, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—44.

Noes.—Harbordt, Potter and Thompson of Sanders.—3.

Absent and not voting.—Allen, Barbour, Blake, Cato, Cluston, Cummings, Cutler, English, Farmer, Goff, Greene, Gray, Griffin, Hess, Logan, Miles, Miller of Park, Morris, McDonald, O'Connor, Powers, Root, Ross, Scallon, Seidler, Warren.—26.

Title agreed to.

House Bill No. 336, having been read three several times, was passed by the following vote:

Ayes. Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Campbell, Cameron, Corby, Decker, Duncan, Fischer, Gerber, Harbordt, Harden, Hess, Hyndman, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Macaulay, Patten, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—47.

Noes.—None.

Absent and not voting.—Bennett of Madison, Brownlee, Burke, Cato, Cluston, Cummings, Cutler, English, Farmer, Goff, Greene, Gray, Griffin,

Kroger, Miles, Morris, McDonald, McManus, O'Connor, Powers, Potter, Root, Ross, Scallon, Seidler, Warren.—26.

Title agreed to.

House Bill No. 206, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Campbell, Burke, Cameron, Decker, Duncan, Fischer, Gerber, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Patten, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—44.

Noes.—None.

Absent and not voting.—Bennett of Madison, Brownlee, Cato, Corby, Cluston, Cummings, Cutler, English, Farmer, Goff, Greene, Gray, Griffin, Logan, Miles, Miller of Park, Morris, McDonald, McManus, Macaulay, O'Connor, Potter, Powers, Root, Ross, Scallon, Seidler, Walker, Warren.—29.

Title agreed to.

House Bill No. 88, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Blewett, Boorman, Cameron, Decker, Gerber, Harbordt, Harden, Hess, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, Macaulay, Selway, Shaw, Sherman, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Mr. Speaker.—25.

Noes.—Allen, Beckwith, Blake, Brewster, Burke, Duncan, Fischer, Hyndman, Kirwan, Leighton, Longstaff, Moore, Patten, Thompson of Sanders, Whiteside, Wilder, Wilham.—17.

Absent and not voting.—Bennett of Madison, Bennetts of Silver Bow, Brownlee, Campbell, Cato, Corby, Cluston, Cummings, Cutler, English, Farmer, Goff, Greene, Gray, Griffin, Kroger, Logan, Miles, Morris, McDonald, McManus, O'Connor, Potter, Powers, Root, Ross, Scallon, Seidler, Swindlehurst, Towers, Warren.—31.

Title agreed to.

INTRODUCTION OF BILLS.

By unanimous consent, the following bills were introduced and placed on file:

By Cameron, H. B. No. 416. A Bill for an Act providing for the creating of herding districts for live stock, and prohibiting live stock from running at large therein, and prescribing penalties.

By Shaw, H. B. No. 417. A Bill for an Act providing for the publication of the names of persons nominated for election for public office.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 2nd day of March, 1907:

House Bill No. 241. An Act authorizing the appointment of a third

assistant to the attorney general, and authorizing the employment of an additional stenographer for the attorney general's office.

House Bill No. 221. An Act to add to Article VI, Chapter III, Title I, Part 3, of the Political Code, a section to be numbered 428, providing for the cancellation by the State Auditor, at the expiration of a specified period, of all warrants returned or uncalled for.

House Bill No. 271. An Act relating to banking, brokerage, exchange, loan and deposit business and amending Section 986 of the Penal Code of the State of Montana.

House Bill No. 212. An Act to require an annual apportionment and accounting of surplus of life insurance companies.

House Bill No. 149. An Act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

House Bill No. 146. An Act to prohibit discrimination by life insurance companies and providing penalties for violations thereof.

Mr. Speaker announced that he was about to sign House Bills Nos. 241, 221, 271, 212, 149, and 146, and signed the same in the presence of the House.

The house resolved itself into a Committee of the Whole for the consideration of General Orders.

Weed in the chair.

House resumed.

Mr. Speaker in the Chair.

Weed, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 50, introduced by Miles, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 101, introduced by Tooley, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 110, introduced by Martien, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend the title by striking out in line 4 the words "or shall have a tendency to give a less or", and inserting in lieu thereof the word "a".

Amend Section 1 by striking out in line 0 the word "wilfully", and inserting the words "wilfully and knowingly," between the word "is" and the word "false," in said line 6; and strike out the words "or which is intended to give or which shall have a tendency" and insert in lieu thereof the words "so as".

Also having had under consideration House Bill No. 390, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 280, introduced by Committee on Sanitary Affairs, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by striking out of said Section the following words,

at the end of said Section: "The said State Chemist must devote his entire service to the duties of his office."

Amend Section 3 by striking out in line 17 the words "the State Board of Health," and inserting in lieu thereof the words "a board consisting of the Secretary of the State Board of Health, the Secretary of the State Board of Pharmacy, and the State Chemist."

Amend Section 8 by striking out in line 108 the comma, after the word "cannabis," and the letter "e" in the last syllable of the word "acetanilied," in line 109. Make same corrections in lines 118 and 119.

Amend Section 8 by striking out at the end of said Section the following: "Provided, that no dealer shall be prosecuted under the provisions of this Act when the article sold has been guaranteed to the United States Government under the Food and Drugs Act of June 30, 1906, and has the serial number, together with the words "Guaranteed under the Food and Drugs Act of June 30, 1906", upon each package."

Also having had under consideration Senate Bill No. 98, introduced by Cowgill, reports same back to the House with the recommendation that it be not concurred in."

Report adopted.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 2nd day of March, 1907.

House Bill 276. An Act to amend Section 402, Article V, Chapter III, Part III, Title 1, of the Political Code, providing for the distribution of published copies of the Senate and House Journals.

House Bill No. 186. An Act to compel street railway companies to protect certain of their employees from inclemencies of the weather, while performing services, and providing penalties for the violation of the same.

House Bill No. 304. An Act to amend Section 670 of Chapter I, Title IV, of the Civil Code, relating to insurance companies.

House Bill No. 121. An Act to amend Section 666, Title IV, Chapter I, Civil Code relating to the filing of annual statements by certain corporations.

Mr. Speaker announced that he was about to sign House Bills Nos. 276, 186, 304, and 121, and signed the same in the presence of the House.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 416, A Bill for an Act entitled, "An Act providing for the creation of herding districts for live stock, and prohibiting live stock from running at large therein and prescribing penalties", recommend that the same do pass as amended as follows:

Amend Section 1, line 3, by inserting after the word "Montana", the words "a majority of the acreage of which land is under cultivation".

Report adopted.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 416, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 417, read first and second times by title only and referred to Committee on Privileges and Elections.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Bennett of Madison in the chair.

House resumed.

Mr. Speaker in the chair.

Bennett, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 356, introduced by Shaw, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in the last line the word "one," before the word "newspaper," and inserting in lieu thereof the word "two."

Also having had under consideration House Bill No. 297, introduced by Cameron, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by adding thereto the following: "and providing for purchase of standards of weights and measures and appropriating money therefor."

Amend Section 1 by adding after the word "record," in line 4, the words "in carbon triplicate form number 1-2-3."

Add three additional sections to be numbered Sections 3, 4 and 5, as follows:

"Section 3. The Secretary of State is hereby authorized to procure standards of weights and measures, as the standard weights and measures of the State, and there is hereby appropriated, out of any moneys not otherwise appropriated, in the State Treasury, the sum of five hundred dollars (\$500), or so much thereof as may be necessary, to procure the same, and when purchased all county weights and measures shall be compared therewith. It shall be unlawful for any dealer to measure or weigh any article of merchandise to be sold with any scale or weights not compared with the weights and measures of the county or Secretary of State, and by the officers, in charge of such standard weights and measures, certified as correct.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in force and effect from and after its passage and approval."

Also having had under consideration House Bill No. 367, introduced by Maxwell, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 341, introduced by Boorman, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 360, introduced by Warren, reports same back to the House with the recommendation that it do pass.

On motion by Potter, the report on House Bill No. 341 was segregated from the remainder of the report.

Report of Committee of the Whole was then adopted.

On motion by Miller of Park, House Bill No. 341 was placed on general orders.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 2nd day of March, 1907:

House Joint Memorial No. 1, petitioning Congress to enact such Legislation as will result in the opening of Fort Peck Indian Reservation.

House Bill No. 74. An Act to authorize the erection and equipment of a building at the Montana Agricultural College and Experiment Station at Bozeman, Montana, for the use of the departments of agriculture, horticulture, animal husbandry, veterinary and domestic science, and making an appropriation therefor.

House Bill No. 181. An Act to amend Section 2391 of Chapter III, Article I, Part III, Title V, Political Code of Montana, to repeal Section 2396 of said Chapter, relating to the librarians and their salaries, and to add a certain new section to said Chapter III, to be designated as Section 2401, relating to assistant librarians and their salaries.

House Bill No. 272. An Act to provide for the appointment of a commissioner to compile and revise the codes and other laws of Montana, to provide for the publication of such codes, to provide for the compensation of such commissioner and to make an appropriation therefor.

House Bill No. 233. An Act to amend Section 2070 of the Penal Code of Montana, and to repeal an Act approved February 15th, 1901, relating to method of procedure in the trial of criminal actions.

House Bill No. 161. An Act to amend Section 66 of the Code of Civil Procedure of the State of Montana, respecting the civil jurisdiction of Justices of the Peace.

House Bill No. 230. An Act to amend Section 3865 of the Civil Code of the State of Montana relating to the period of time for which mortgages of personal property shall be valid; and to amend Section 3866 of the Civil Code of the State of Montana relating to the renewal of mortgages of personal property as amended by Chapter IV, Laws of 1903, approved March 4, 1903, and as amended by an Act of the Legislative Assembly of the State of Montana, approved Feb. 28, 1905.

Mr. Speaker pro tem announced that he was about to sign House Bills Nos. 74, 181, 272, 233, 161, and 230, and signed the same in the presence of the House.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 303, introduced by Allen, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 350, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 395, introduced by Thompson of Sanders, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 398, introduced by McManus, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 247, introduced by Weed, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 397, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 391, introduced by Morgan, reports same back to the House with the recommendation that it be re-referred to General Orders.

Also having had under consideration House Bill No. 406, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 135, introduced by Shaw, reports same back to the House with the recommendation that it be re-referred to General Orders.

Also having had under consideration House Bill No. 211, introduced by C. B. Miller, reports same back to the House with the recommendation that it be re-referred to the Steering Committee.

Also having had under consideration House Bill No. 283, introduced by Gray, by request, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by striking out in line 11 the word "charge," and inserting in lieu thereof the word "custody."

On motion by McManus, the report on House Bill No. 398 was segregated from the balance of the report.

Report of the Committee of the Whole was adopted as segregated.

On motion by Burke, House Bill No. 398 was placed on general orders.

On motion by Shaw, the House adjourned at 5:35 P. M.

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

FIFTY-SEVENTH DAY

Monday, March 4, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Miles, Ross, and Morris.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 2, 1907.

To the Honorable Edwin L. Norris, President of the Senate, and to the Honorable E. W. King, Speaker of the House of Representatives.

Gentlemen:—I have the honor to acknowledge the receipt of the Joint Resolutions of the Legislative Assembly adopted with reference to the death of Hon. A. Sterne Blake of Ravalli County, forwarded to me as directed.

I desire to thank the joint bodies on behalf of the Society of Montana Pioneers for the thoughtful action in honoring the memory of one of the sterling Pioneers of the Commonwealth. Mr. Blake was here before the creation of the Territory and for nearly fifty years contributed no small share in laying the foundations of the State and when that boon was secured assisted in launching Montana on perhaps a somewhat tempestuous sea, but lived to see it ride in the calm and become the Empire State of the West.

It is very gratifying to his fellow pioneers to see his work appreciated and your body pause long enough from your arduous labors to pay a just tribute to his worth.

I am with assurances of deepest respect,

Very respectfully yours,

J. U. SANDERS, Secretary.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, Your Committee on Engrossment, beg leave to submit House Bill No. 248, correctly engrossed.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, March 2, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Substitute for House Bill No. 11, entitled "A Bill for an Act entitled An Act to amend Section 4367 of the Political Code of Montana, as amended by Chapter 5 of the Laws of 1905, and Section 4788 of the same code, relating to the deposit and control of public moneys in the possession of county and city treasurers, and to provide for the payment of interest on such deposits of public money and for furnishing of official bonds by such officers signed by surety companies and for payment of premiums thereon, report that we see no constitutional objection to the bill."

Report adopted.

Also:

Helena, Montana, March 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 100, entitled "A Bill for an Act to prohibit persons not legally admitted to practice law in the courts of the State of Montana from holding themselves out to be lawyers, or in any whatsoever using the title of 'Lawyer,' 'Attorney,' 'Conveyancer,' or the equivalent thereof, and fixing a penalty for the infraction thereof," recommend that said bill be concurred in.

Report adopted.

Also:

Helena, Montana, March 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 112, entitled "A Bill for an Act to amend an Act approved March 6, 1903, entitled 'An Act to amend Section 5117, Part V, Title III, Chapter VIII, Article II, of the Political Code, of the State of Montana, relating to the duties and authority of the trustees of townships,'" recommend that said bill be concurred in.

Report adopted.

Also:

Helena, Montana, March 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 338, entitled "A Bill for an Act entitled 'An Act regulating the payment of expenses of state and county officers, defining offenses in relation thereto, and prescribing punishment for such offenses,'" recommend that said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, March 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 289, entitled "A Bill for an Act to prohibit discrimination in the charges of telephone rentals in different cities and fixing the penalty for violation thereof," recommend that said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, March 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 125, entitled "A Bill for an Act entitled 'An Act to provide that qualified electors of the State of Montana may vote in any precinct in this state where their duties call them on election day,'" recommend that said bill be indefinitely postponed.

Report adopted.

Also:

Helena, Montana, March 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 243, entitled "A Bill for an Act to amend House Bill No. 203, entitled 'An Act to amend Section 4800 of the Political Code, relative to legislative powers of cities, and to enable cities and towns to acquire by purchase, condemnation proceedings, water plants, water supplies, franchises, public buildings and sewers,' approved the 8th of March, 1897, by eliminating therefrom that portion of paragraph 64 thereof, declared unconstitutional by the Supreme Court of the State of Montana," recommend that said bill be indefinitely postponed, the same purpose being provided for by another bill.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bill as correctly enrolled this 4th day of March, 1907:

House Bill No. 22. An Act to create a disability fund in cities and towns or the State of Montana, having a paid fire department, for the benefit of firemen disabled in the line of duty; authorizing cities and towns to levy an annual tax for the maintenance of such fund; providing for the organization, government and control thereof, and providing penalties for the violation thereof; and to repeal Sections 8 and 9 of House Bill 17 of the Session Laws of 1899 of Montana, entitled, An Act to provide for the organization, government and control of the fire department for cities and towns, regulating appointments thereto and providing for the creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds thereon; approved March 7, 1899, and to repeal Chapter CXIII of the Session Laws of 1903, of Montana, relating to the payment of taxes received from fire insurance companies, corporations and associations doing business in the State of Montana, to the maintenance of fire departments. Approved March 7th, 1905."

Mr. Speaker announced that he was about to sign House Bill No. 22, and signed the same in the presence of the House.

Motion by Miller of Park, that the vote whereby Senate Bill No. 98 was not concurred in, be reconsidered. Motion carried.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 2, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House amendments to S. B. No. 81 have been concurred in by the Senate and the same has been referred to the Committee on Enrolled Bills.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 2, 1907.

Mr. Speaker:

I am directed by the Senate to inform your honorable Body that

Senate Bills numbered 83, 102, 51, 109, 118, 122 and Sub. for S. B. No. 113 were this day read third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 2, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that H. B. No. 96, and Sub. for H. B. No. 50, were this day read third time and concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 2, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced and read first and second times:

H. B. No. 388, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 387, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 369, by Committee on Live Stock and Public Ranges. Referred to Committee on Finance and Claims.

H. B. No. 343, by Brewster. Referred to Committee on Stock Growing and Grazing.

H. B. No. 365, by Decker. Referred to Committee on Public Land.

H. B. No. 393, by A. H. Gray. Referred to Committee on Counties, Towns and Municipal Corporations.

Sub. for H. B. No. 310, by Committee on Ways and Means. Referred to Committee on Finance and Claims.

H. B. No. 312, by Cameron. Referred to Committee on Judiciary.

H. J. C. R. No. 11, relating to elevator employees at the capitol. Referred to Committee on Finance and Claims.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 2, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 231, 200 and 185 were this day read a third time and concurred in as amended in the Senate and are herewith returned to the House for its concurrence in the amendments.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 2, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following communication was read by the Secretary:

Mr. President:

Having received the appointment of Secretary to the Board of Railroad

Commissioners of the State of Montana, I hereby resign the office of Secretary of the Senate, the resignation to be in immediate effect.

If the Senate desires I shall be pleased to assist at the Secretary's desk until the close of the session, such service to be without compensation.

I wish to take this opportunity, Mr. President, to thank you and the members of the Senate for the many favors and kindnesses shown me and to express my deep appreciation of the same.

My connection with the Senate will always be recalled by me as one of the particularly pleasant periods of my life."

H. K. HOWRY.

After accepting the Secretary's resignation and offer of future assistance, Donlan moved that the thanks of the Senate be extended to H. K. Howry for the able, thorough and courteous manner in which he had discharged the duties of Secretary of the Senate. Motion carried.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 2, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were introduced and read first and second times:

H. B. No. 227, by Weed. Referred to Committee on Corporations other than Municipal.

H. B. No. 269, by Miller of Park. Referred to Committee on Irrigation and Water Rights.

H. B. No. 270, by Gerber. Referred to Committee on Public Morals.

Sub. for H. B. No. 310, reported for Walker by Judiciary Committee. Referred to Committee on Corporations other than Municipal.

Sub. for H. B. No. 144, by Committee on Live Stock and Ranges. Referred to Committee on Stock Growing and Grazing.

H. B. No. 301, by Committee on Appropriations. Referred to Committee on Finance and Claims.

H. B. No. 376, by Allen. Referred to Committee on Finance and Claims.

H. B. No. 378, by O'Connor. Referred to Committee on Finance and Claims.

H. B. No. 379, by Logan. Referred to Committee on Fish and Game.

H. B. No. 268, by Shaw. Referred to Committee on Education.

H. B. No. 292, Referred to Committee on Judiciary.

H. B. No. 101, by Dr. Campbell. Referred to Committee on Public Buildings.

H. B. No. 114, by Bennett, by request. Referred to Committee on Finance and Claims.

H. J. R. No. 8, referred to Committee on State Institutions, Public Buildings and Grounds.

H. J. M. No. 7, by A. H. Gray. Referred to Committee on Public Lands.

Respectfully,

C. E. WIGHT, Secretary.

READING OF SENATE BILLS.

Sub. for S. B. No. 113, read first and second times by title only, and referred to Committee on Appropriations.

S. B. No. 51, read first and second times by title only, and referred to Committee on Townships and Counties.

S. B. No. 83, read first and second times by title only, and referred to Committee on Ways and Means.

S. B. No. 102, read first and second times by title only, and referred to Committee on Appropriations.

S. B. No. 118, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

S. B. No. 109, read first and second times by title only, and referred to Committee on State Boards and Officers.

S. B. No. 122, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

The following Senate amendments to House Bill No. 185 were read:

Amend Section 1 by adding after the word "whatever," in line 9 of the printed bill, and inserting in lieu thereof the words "or any person or persons who conduct any brokerage business, bucket shop or office where grain stocks or securities of any kind are sold on margins."

Amend the report of the Committee of the Whole by striking out all of Section 1 of said bill after the words "fine and imprisonment."

The above Senate amendments to House Bill No. 185 were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Corby, Cummings, Cutler, Decker, Duncan, Farmer, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, Patten, Potter, Powers, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Whiteside, and Mr. Speaker.—51.

Noes.—Cluston, Gerber, McDonald, O'Connor, Selway, Walker, Warren, Wendel, Wilder, and Wilham.—10.

Absent and not voting.—Barbour, Cato, Fischer, Kirwan, Kroger, Miles, Morris, Root, Ross, English, Brownlee, Weed.—12.

The following Senate amendments to House Bill No. 200 were read:

Amend Section 2, line 13, by inserting after the word "members" the following: "or some sheep owner of the state."

Amend Section 3 by inserting after the word "limits" in the 7th line of said Section, the following: "Provided, that in all cases sheep shipped into this State must be quarantined separately, and in no case shall foreign sheep be mixed or quarantined on the same area with native sheep, and all native sheep must be quarantined within the limits of their accustomed ranges."

Amend Section 9 to read as follows: "Section 9. That Section 27 of the said Act be amended to read as follows: That the sum of Nineteen Thousand Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to defray the expenses incurred under the provisions of this Act, which moneys shall be known as the "Sheep Inspection and Indemnity Fund."

Amend Section 32, line 181, by inserting after the word "surgeon" the following: "Which said permit must be issued by the Veterinarian upon re-

ceipt from such person or persons of an application in writing for the same."

The above Senate amendments to House Bill No. 200 were concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, Patten, Potter, Powers, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Whiteside, Mr. Speaker.—53.

Noes.—Burke, Kirwan, Warren, Wilder, Wilham.—5.

Absent and not voting.—Bennett of Madison, Allen, Brownlee, English, Fischer, Harden, Kroger, Miles, Morris, McDonald, O'Connor, Root, Ross, Thompson of Fergus, Weed.—15.

The following Senate amendments to House Bill No. 231 were read:

Amend title by striking out after the words "boiler plant" the words "and of a metallurgical plant for said school."

Amend Section 1 by striking out the words "Fifty-nine thousand dollars" and the figures "(\$50,000.00)." in line 1 of the printed bill, and insert in lieu thereof the words "Fourteen Thousand Dollars" and the figures "(\$14,000.00)."

Amend Section 1 by striking out the word "and" in line 6 of the printed bill, and by striking out all of lines 7 and 8 of printed bill.

The above Senate amendments to House Bill No. 231 were not concurred in by the following vote:

Ayes.—O'Connor.—1.

Noes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Griffin, Harbordt, Hess, Hyndman, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Potter, Powers, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—58.

Absent and not voting.—Bennett of Madison, Boorman, Brewster, Cummings, English, Fischer, Gray, Harden, Kroger, Miles, Morris, Root, Ross, Weed.—14.

Motion by Campbell that the Speaker appoint a conference committee to meet with a like committee from the Senate relative to House Bill No. 231. Motion carried.

THIRD READING OF HOUSE BILLS.

Senate Bill No. 101, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Decker, Cutler, Duncan, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, McManus, Macaulay,

O'Connor, Patten, Potter, Powers, Root, Scallon, Seidler, Selway, Brewster, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Whiteside, Wilder, Wilham, Mr. Speaker.—58.

Noes.—Longstaff and Warren.—2.

Absent and not voting.—Bennett of Madison, Blake, Cummings, English, Farmer, Fischer, Kirwan, Miles, Moore, Morris, Ross, Weed, Wendel.—13.

Title agreed to.

Senate Bill No. 50, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cutler, Decker, Farmer, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McManus, Macaulay, Patten, Potter, Powers, Root, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Seidler, Walker, Weed, Whiteside, Wilder, Wilham, Mr. Speaker.—59.

Noes.—Duncan and Warren.—2.

Absent and not voting.—Bennett of Madison, Cummings, English, Fischer, Gerber, Miles, Moore, Morris, McDonald, O'Connor, Ross, Wendel.—12.

Title agreed to.

On motion, Senate Bill No. 110 was withdrawn from third reading and referred to the Steering Committee.

THIRD READING OF HOUSE BILLS.

House Bill No. 248, having been read three several times, was defeated by the following vote:

Ayes.—Allen, Bennett of Madison, Blake, Boorman, Cutler, Decker, English, Farmer, Gerber, Goff, Hyndman, Kroger, Miller of Lewis and Clark, Selway, Towers, Weed, and Wendel.—17.

Noes.—Beckwith, Bennetts of Silver Bow, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Duncan, Greene, Gray, Griffin, Harbordt, Harden, Hess, Kirwan, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, McDonald, Macaulay, O'Connor, Patten, Potter, Powers, Root, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Walker, Warren, Whiteside, Wilder, Wilham, Mr. Speaker.—48.

Absent and not voting.—Barbour, Fischer, Miles, Morris, McManus, Ross, Thompson of Fergus, Tudor.—8.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Finance and Claims to whom was referred House Bills numbered 317 and 378 having this day recommended that they be indefinitely postponed and their report having been adopted by the Senate, the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Executive Office, Helena, Mont., March 4, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

The following House Bills have been approved and deposited with the Secretary of State:

No. 188. An Act creating a county board of educational examiners, providing for their appointment, fixing their compensation, and prescribing their qualifications and duties.

No. 159. An Act to amend Section 3162 of the Code of Civil Procedure as the same was amended by an Act of the Fifth Legislative Assembly of the State of Montana, approved Feb. 19, 1897, relating to witnesses.

No. 208. An Act appropriating money for the payment of deficiency claim in connection with the office of Attorney General.

No. 39. An Act authorizing city and town councils to provide for and regulate the inspection and measurement of gas and electric light and power.

No. 285. An Act to amend Section 4807 of the Political Code, relating to the contracts of municipal corporations.

No. 145. An Act to authorize the State of Montana to become indebted in excess of one hundred thousand dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various state educational institutions; and also to make whole the permanent funds of the various state educational institutions.

No. 115. An Act for the better protection of employes and for preventing superintendents, foremen, assistants, bosses or any other person from receiving or soliciting any sum of money or other valuable consideration for or on account of employing or continuing to employ any person, or promising or agreeing so to do, and providing penalties for violations of this act.

No. 82. An Act to amend Sections 2505 and 2506 of the Civil Code of the State of Montana, relating to hotels, inns and lodging houses, and providing a better protection of the guests and employes thereof from fire.

No. 65. An Act appropriating money for the erection and equipping of additional buildings for the State Orphans' Home at Twin Bridges, Montana, and for the construction of a sewerage system in connection with same.

No. 320. An Act appropriating money for the payment of deficiency claim of Rocky Mountain Bell Telephone Company, account fish and game fund.

No. 116. An Act to regulate the size and manner of construction of all caboose cars used by any person, corporation or company within the State of Montana, and providing a penalty for the violation thereof.

Sub. for H. B. 23. An Act making effective the initiative and referendum provisions of Section 1 of Article 5, as amended, of the Constitution of the State of Montana, and regulating elections thereunder, and providing penalties for violations of provisions of this act.

Sub. for H. B. 45. An Act to provide for the creation and organization of irrigation districts, etc.

No. 321. An Act appropriating money for the payment of deficiency claim of the Rocky Mountain Bell Telephone Company.

No. 322. An Act appropriating money for the payment of claim of J. M. Lewis for service and for expenses incurred.

No. 323. An Act appropriating money for the payment of deficiency claims, account requisitions.

J. K. TOOLE, Governor.

REPORTS OF STANDING COMMITTEES.

Blake, from the Committee on Privileges and Elections, reported as follows:

Mr. Speaker:

Your Committee on Privileges and Elections, to which was referred House Bill No. 417, A Bill for an Act providing for the publication of the names of persons nominated for election for public office, having had the same under consideration, very respectfully report the same back with the recommendation that it do pass.

Report adopted.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, March 4, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 381, entitled "A Bill for an Act to authorize the outstanding of disputed evidence of indebtedness of cities and towns issued for municipal purposes and now held or owned by bona fide holders thereof for value and the issuance of funding bonds therefor," recommend that said bill be amended as follows:

Amend the title thereof by inserting after the word "the" in the first line thereof and before the word "outstanding" the words "compromise of;" also by striking out the word "of" in said first line; also by inserting after the word "disputed" in the second line thereof the words "warrants or;" also by striking out the word "now" in the third line thereof.

Amend the body of said bill as follows:

Strike out the word "now" in the fourth line of Section one of said bill.

In Section 2, line 1, after the word "for" and before the word "settlement" insert the word "the."

Strike out Section 3 and insert in lieu thereof the following: "Section 3. The question of the ratification of such agreement and issuance of such bonds, in case bonds are to be issued, shall be submitted to the qualified electors of said city or town in the manner provided by an act entitled 'An Act relating to municipal indebtedness, and repealing Sections 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, and 4981 of the Political Code of the State of Montana, approved March 6th, 1897, or at a general or special election in such manner and upon such notice as the council may determine: provided that the notice of such election shall state the amount of indebtedness proposed to be compromised, the amount of the settlement and bonds to be issued and rate of interest thereon; and the form of ballot used at said election shall contain the words: 'Compromise of debt—Yes.' 'Compromise of debt—No.'"

Amend Section 6 of said bill so as to read as follows: "Section 6. This act shall take effect and be in force from and after its passage and approval."

That as so amended said bill be printed and placed on general orders.
Report adopted.

INTRODUCTION OF BILLS.

By unanimous consent, the following bills were introduced and placed on file:

By Committee on Ways and Means. H. B. No. 418. A Bill for an Act entitled, An Act to repeal Sections 2990, 3046 and 3076 of the Political Code, and all Acts amendatory of, or supplementary to said Sections and which provide for special taxes on cattle, horses, mules, asses and sheep.

By Shaw, by request, H. B. No. 419. A Bill for an Act to add additional Sections to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to county printing, to be designated as Section 4234, providing a penalty for violation of Section 4233 of the Political Code.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 418, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 419, read first and second times by title only, and referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 397, 247, 390, correctly engrossed.

COMMUNICATIONS AND PETITIONS.

The following telegrams were read, and, by request, are here inserted in the Journal, to-wit:

"Missoula, Mont., March 3rd, 1907.

"State Representatives of Missoula County, care T. C. Marshall, House of Representatives, Helena, Montana.

We appreciate efforts for effective anti-gambling law, and urge your hearty support House Bill No. 185. Wm. M. Beall, E. W. Wright, H. C. Myers, C. E. Hartman, J. H. Kennedy, C. W. Lewis, T. A. Wickes, S. McGibbon, N. Gough, J. H. Williams, G. Gough, Frank C. Ives, Ralph W. Ives, C. E. Sherritt, T. L. Lewis, R. R. Wilbur, H. A. Wheeldon, J. H. Veeder, J. Marlove, H. P. Graves, J. Zinka, Henry Vaneugelar, C. B. Lebhues, A. Butzern, George Walford, H. C. McGregor, Hinton Tallman, Leo Baker, Will Vanengelen, Oscar Halford, George Walford, I. W. Esbright, W. J. Huston, F. J. Stickney, John Botts."

"Missoula, Mont., March 3rd, 1907.

"T. C. Marshall, House Representatives, Helena, Montana.

The undersigned voters appreciate efforts of Senate and House to pass effective anti-gambling law, and we urge your best efforts to pass House Bill 185 as amended by Senate: W. H. H. Dickinson, E. M. Davis, F. A. McDonald, M. J. Elrod, J. C. Burgers, W. N. Hassler, J. S. Ambrose, J. M. Wood, N. A. Smith, H. H. Hill, L. T. Sparks, Ohas. Elderkin, J. Z. Goodwin, R. T. Barber, G. C. Morgan, T. P. Street, J. A. Britton, P. M. Berry, J. K. Inch, H. S. Stryker, J. F. Altermatt, E. W. Himes, O. L. Waite, John Goodbourne, F.

Morphis, G. M. Nelson, Thomas Layfield, Lawrence Goodbourne, King Carlington, C. Hollingsworth, C. Avery, George McAllister, M. J. Wiltsee, George Miller, H. K. Ranzer, J. E. Patterson."

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Concurrent Resolution No. 6, introduced by McCone, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Joint Resolution No. 3, introduced by Everett, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 85, introduced by McLean, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 66, introduced by Long, reports same back to the House with the recommendation that it be referred to Steering Committee.

Also having had under consideration House Bill No. 409, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it be re-referred to Steering Committee with directions that it be made special order for to-morrow at 3 P. M.

Also having had under consideration House Bill No. 411, introduced by State Penitentiary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 403, introduced by O'Connor, reports same back to the House with the recommendation that it be re-referred to Committee on Sanitary Affairs.

Also having had under consideration House Bill No. 170, introduced by Whiteside, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 405, introduced by Thompson of Fergus, reports same back to the House with the recommendation that it do pass as amended as follows:

Amend the title by striking out in line 1 the words "near Lewistown, Montana," and inserting in lieu thereof the words "in Fergus County."

Amend the title by adding after the word "thereof" the following: "and appropriating money therefor."

Amend Section 1 by striking out in lines 1 and 2 the words: "three miles of the corporate limits of the city of Lewistown, Montana," and inserting in lieu thereof the words "in Fergus County."

Report adopted.

On motion of Miller of Lewis and Clark, H. B. No. 86, which was reported without recommendation, was ordered printed and placed on General Orders.

The House took a recess at 12 o'clock Noon until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate having voted to reconsider the action by which H. B. No. 317 was indefinitely postponed, the Secretary has been instructed to request that you return the same.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bill was this day introduced and read first and second times:

Senate Bill No. 135, by Miles. A Bill for an Act entitled: "An Act to create a commission to be known as the Montana State Fish Commission, naming the State Game Warden as a member of said commission, and providing for the appointment of two other members of said commission by the Governor, fixing the duties and compensation of said commission, and authorizing them to locate, construct, and equip a State Fish Hatchery, to regulate the distribution of the produce of said Hatchery, and to appropriate money from the Game and Fish Fund, for all of said purposes." Referred to Committee on Fish and Game.

Respectfully,

C. E. WIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrolling report the following bills as correctly enrolled this 4th day of March, 1907:

House Joint Memorial No. 2, to authorize the Secretary of State to make exchange of the codes of Montana.

House Joint Memorial No. 4, relating to incorporation by the general government within Forest Reserves of vast areas within this State, etc.

Substitute for House Bills Nos. 19 and 44. An Act to authorize the construction, furnishing and equipment of a hospital building, including plumbing and architect fees, at the Montana Soldiers' Home, at Columbia Falls; to provide for the heating plant for the heating of all buildings at said Soldiers' Home, including said hospital building, and appropriating money therefor.

House Bill No. 43. An Act appropriating money for the completing, furnishing and equipping of the building for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana, and for the fittings and furnishings of the industrial building and gymnasium for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana, and

also for the farm connected with the said Montana School for the Deaf and Blind at Boulder, Montana.

House Bill No. 128. An Act prohibiting the employment of children in certain occupations, under the age of sixteen years, providing for the registration of the age of all children; the issuance of an age certificate, and the disposition of the same. Forbidding the employment of children in certain occupations without such certificate; providing for the enforcement of the provisions of this act, and providing penalties for the violation of the provisions thereof.

House Bill No. 168. An Act to amend Paragraph Three of Section 1830, Chapter VI, Article VI, Part III, of Title III, of the Political Code of the State of Montana, as amended by an Act of the Legislature, approved March 14, 1901, relating to the taking of the School Census.

House Bill No. 158. An Act appropriating money for the erection and completion of a library building for the University of Montana at Missoula, Montana, for the enlarging of the heating plant and connecting the same with the library building, and for cement walks necessary to connect said library with other buildings at said University, and with the street, and for certain improvements on University Grounds.

House Bill No. 226. An Act to provide certain requirements of life insurance companies organized in the State of Montana, and also relating to the admission of life insurance companies organized in another State and applying to transact business in this State.

Cameron, from the Committee on State Boards and Officers, reported as follows:

March 4, 1907.

Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred Senate Bill No. 109, entitled "A Bill for an Act entitled, 'An Act to amend Section 4 of Substitute for Senate Bill No. 11, Session Laws of the Fifth Legislative Assembly of the State of Montana, relating to the salary of the Chief Clerk of the Bureau of Agriculture, Labor and Industry.'" report same back with the recommendation that it be concurred in.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 419, introduced by Shaw, being a Bill for an Act entitled An Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to county printing, to be designated as Section 4234 providing a penalty for violation of Section 4233 of the Political Code, report the same back without recommendation, there being 6 present at the meeting and 3 voting each way.

Motion by Shaw, that report be received and that House Bill No. 419 be printed and placed on General Orders. Motion carried.

Mr. Speaker announced that he was about to sign House Joint Memorials Nos. 2 and 4, Substitute for House Bills 19 and 44, and House Bills Nos. 43, 128, 168, 158, and 226, and signed the same in the presence of the House.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 380, introduced by Marshall, being a Bill for an Act entitled, An Act to authorize the purchase of 500 copies of the complete codes and statutes of the State of Montana, in force July 1, 1895, and making an appropriation therefor, beg leave to report same back and recommend that it be indefinitely postponed on account of a bill creating a Code Commission has already been passed and signed by the Governor and that it covers the same point.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 184, introduced by Morris, being a Bill for an Act entitled, An Act to regulate certain gambling and prohibit other gambling, beg leave to report same back and recommend that it be indefinitely postponed.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 418, introduced by Committee on Ways and Means, being a Bill for an Act entitled, An Act repealing Sections 2990, 3046 and 3076 of the Political Code and all Acts amendatory of or supplementary to said Sections and which provide for special taxes on cattle, horses, mules, asses and sheep, beg leave to recommend that it do pass.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 415, introduced by Blake, being a Bill for an Act entitled, An Act to amend Section 443 of the Political Code of Montana, relating to bonds to be given by the State Treasurer, beg leave to report the same back and recommend that it do pass.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 4, 1907.

To the Honorable, The Speaker of the House of Representatives:

Dear Sir:

Having been appointed to the position of stenographer for the Railroad Commission, and it being necessary for me to assume the duties incidental to said office, I hereby most respectfully resign my position as stenographer in the House, to take effect Tuesday, March 5th, 1907.

Respectfully,

ALMA MOHR.

REPORTS OF SPECIAL COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Conference appointed to meet with a Committee from the Senate on the disagreement between the Senate and House in regard to Senate amendment to House Bill No. 35, beg to report that they met in conference, and a majority of the said Joint Committee on Conference recommend that the Senate recede from their amendment.

Very respectfully,

WHITE, Chairman, Senate Committee.

MARSHALL, Chairman, House Committee.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 4, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 413, 399, 355, 330, 412, and H. J. C. R. 3, have been correctly printed.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

O'Connor in the chair.

House resumed.

Mr. Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 327, introduced by Logan by request, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 357, introduced by Campbell, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 4 by striking out the same.

Also having had under consideration Substitute for House Bill No. 371, introduced by Griffin, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 351, introduced by Gray, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2 by striking out in line 8 the word "of", and inserting in lieu thereof the word "to".

Also having had under consideration House Bill No. 354, introduced by Allen, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by adding at the end of line 10 the following: "Provided, however, that this Act shall not apply to dead human bodies found in underground mines."

Also having had under consideration House Bill No. 211, introduced by C. B. Miller, reports same back to the House with the recommendation that it be indefinitely postponed.

Also having had under consideration House Bill No. 339, introduced by

Morgan, reports same back to the House with the recommendation that it be indefinitely postponed.

Also having had under consideration House Bill No. 342, introduced by Gray, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 1 "are hereby empowered to", and inserting in lieu thereof the words "may in their discretion".

Amend Section 4 by inserting in line 20 the words "not more than", before the word "twenty."

Report adopted.

MOTIONS AND RESOLUTIONS.

By Whiteside:

"I move that the Joint Steering Committee be and is hereby requested to place at the Head of General Orders House Bill No. 245, being a Bill for an Act to provide for the nomination of all officers including United States Senators by direct vote of the people. This action being taken in deference to the wishes of the people as expressed in the last republican and democratic state platforms."

Motion by Corby that motion of Whiteside be laid on the table.

Roll was called and the motion to table carried by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Cameron, Corby, Cummings, Decker, Farmer, Gerber, Goff, Griffin, Harden, Hess, Hyndman, Kroger, Marshall, Maxwell, Miller of Park, Morgan, Macaulay, Patten, Potter, Selway, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Mr. Speaker.—34.

Noes.—Blawett, Brownlee, Campbell, Cato, Cluston, Cutler, Duncan, Greene, Harbordt, Logan, Longstaff, Manchester, McManus, O'Connor, Sherman, Swindlehurst, Towers, Whiteside, Wilder, Powers, Root,—21.

Absent and not voting.—Barbour, Burke, English, Fischer, Gray, Kirwan, Leighton, Miles, Miller of Lewis and Clark, Moore, Morris, McDonald, Ross, Seallon, Seidler, Shaw, Warren, Wilham.—18.

REPORTS OF STANDING COMMITTEES.

Boorman reported as follows:

Mr. Speaker:

We, your Committee on House Journal beg leave to report having examined the journal of Saturday, March 2, and believe the same to be correct to the best of our knowledge.

Report adopted.

Walker, from the Committee on Corporations other than Municipal, reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal, to whom was referred Senate Bill No. 122, A Bill for an Act entitled, "An Act prescribing the conditions upon which foreign corporations or joint stock companies may carry on the business of banking in the State of Montana; regulating them;

and providing penalties and punishments for violations of its provisions, and repealing 'An Act regulating foreign corporations and joint stock companies doing a banking business within the State of Montana, and prescribing penalties and punishments for violations of the provisions thereof,' approved March 7, 1905," recommend that the same be concurred in.

Report adopted.

Also:

Mr. Speaker:

Your Committee on Corporations other than Municipal, to whom was referred Senate Bill No. 118, A Bill for an Act entitled, "An Act to amend Section 472 of the Civil Code of Montana, relating to corporations", recommend that the same be concurred in.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit House Bills Nos. 405, 303, 283, 350, 360, 356, 297, 347, 367, 411 correctly engrossed

Brownlee, from the Committee on Townships and Counties, reported as follows:

March 4, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 51, introduced by Muffley, being a bill for an Act to provide for the establishment of guideboards at the forks of public roads; defining the duties of county commissioners therein, and providing a penalty for defacement or injury to said guide-boards, beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 46, 69, 60, 62, 84, 81, 78 and Substitute for Senate Bill, No. 68, and signed the same in the presence of the House.

THIRD READING OF HOUSE BILLS.

House Bill No. 247, having been read three several times, was passed by the following vote:

Ayes.--Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Park, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Wilham, Mr. Speaker.--55.

Noes.--None.

Absent and not voting.--Barbour, Bennett of Madison, Boorman, English, Farmer, Fischer, Kirwan, Leighton, Miles, Miller of Lewis and Clark, Moore, Morris, McDonald, Ross, Scallon, Shaw, Warren, Whiteside.--18.

Title agreed to.

Substitute for House Bill No. 390, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Wilder, Mr. Speaker. —54.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, English, Farmer, Fischer, Kirwan, Leighton, Miles, Miller of Lewis and Clark, Miller of Park, Morris, McDonald, Ross, Scallon, Shaw, Towers, Warren, Whiteside, Wilham. —19.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 160, 253, Sub. for 259, 261, 270, 293, 302, 313, 324, and 393, have been this day concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has refused to concur in House Bill No. 85, and the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bills numbered 105, 125, and 129, have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

READING OF SENATE BILLS.

S. B. No. 105, read first and second times by title only, and referred to Committee on Sanitary Affairs.

S. B. No. 125, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

S. B. No. 129, read first and second times by title only, and referred to Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 397, having been read three several time, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Powers, Root, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Weed, Wendel, Wilder. Mr. Speaker.—52.

Noes.—None.

Absent and not voting.—Allen, Barbour, English, Fischer, Kirwan, Leighton, Maxwell, Miles, Miller of Lewis and Clark, Morris, McDonald, Potter, Ross, Scallon, Shaw, Towers, Tudor, Walker, Warren, Whiteside, Wilham.—21.

Title agreed to.

THIRD READING OF SENATE BILLS.

Senate Concurrent Resolution No. 6, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, O'Connor, Patten, Potter, Powers, Root, Seidler, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—50.

Noes.—Boorman and McManus.—2.

Absent and not voting.—Barbour, English, Fischer, Greene, Harden, Kirwan, Leighton, Longstaff, Miles, Miller of Lewis and Clark, McDonald, Macaulay, Ross, Scallon, Shaw, Sherman, Towers, Tudor, Warren, Wilham.—21.

Senate Joint Resolution No. 3, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, McManus, O'Connor, Patten, Potter, Powers, Root, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Barbour, English, Fischer, Harden, Kirwan, Longstaff, Miles, Miller of Lewis and Clark, Morris, McDonald, Macaulay, Ross, Scallon, Warren, Wilder, Wilham.—16.

Senate Bill No. 85, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Farmer, Gerber, Goff, Gray, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Max-

well, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—53.

Noes.—Longstaff.—1.

Absent and not voting.—Allen, Barbour, English, Fischer, Greene, Griffin, Harden, Kirwan, Miles, Miller of Lewis and Clark, Morris, McDonald, Ross, Scallon, Selway, Thompson of Sanders, Warren, Wilder, Wilham.—19.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 228, 309, 315 and 325, have this day been amended and concurred in by the Senate and are herewith returned to the House for concurrence in such amendments.

Respectfully,

C. E. WIGHT, Secretary.

The following Senate amendments to House Bill No. 228 were read:

Amend the title to read as follows: "An Act entitled 'An Act to amend Sections 132 and 134 of the Civil Code of the State of Montana, relating to divorces and separations and defining extreme cruelty'".

Strike out in Section 1. the words "incompatibility of temper", (designated as cause 7).

Also strike out all of Sections 2 and 3, and insert in lieu thereof, as Section 2, the following: "Section 2. That Section 134 of the Civil Code of Montana be and the same is hereby amended so as to read as follows:

"Section 134. Extreme cruelty is the infliction, or threat of grievous bodily injury, or of bodily injury dangerous to life, or the repeated infliction, or threat of bodily injury or personal violence, upon the other party, by one party to the marriage, or the repeated publication or utterance of false charges against the chastity of the wife by the husband, or the infliction of grievous mental suffering upon the other, by one party to the marriage by a course of conduct towards, or treatment of one party to the marriage, by the other existing and persisted in for a period of one year immediately before the commencement of the action for divorce, which justly and reasonably is of such a nature and character so as to destroy the peace of mine and happiness of the injured party, or entirely to defeat the proper and legitimate objects of marriage or to render the continuance of the married relations between the parties perpetually unreasonable or intolerable to the injured party."

Re-number Section 4 to correspond.

The above Senate amendments to House Bill No. 228 were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, Macaulay, Patten, Potter,

Root, Seidler, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Mr. Speaker.—52.

Noes.—Blake, Corby, Cluston, Longstaff, McManus, O'Connor, Powers.—7.

Absent and not voting.—Barbour, English, Fischer, Kirwan, Miles, Miller of Lewis and Clark, Morris, McDonald, Ross, Scallon, Shaw, Sherman, Wilder, Wilham.—14.

The following Senate amendment to House Bill No. 309 was read:

Amend Section 4 by striking out in line 15 the word "and".

The above Senate amendment to House Bill No. 309 was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Duncan, Decker, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Patten, Potter, Powers, Root, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—58.

Noes.—Macaulay and O'Connor.—2.

Absent and not voting.—Barbour, English, Fischer, Kirwan, Miles, Morris, McDonald, Ross, Scallon, Selway, Warren, Wilder, Wilham.—13.

The following Senate amendments to House Bill No. 325 were read:

Amend Section 2 by striking out after the word "as", the word "Tagiabue's", and inserting in lieu thereof the word "Foster", and strike out, after the word "than", the word "one", and insert the word "four". Also strike out, after the word "per", the word "second", and insert in lieu thereof the word "minute", and

The above Senate amendments to House Bill No. 325 were concurred in by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, English, Fischer, Kirwan, Maxwell, Miles, Morris, McDonald, Ross, Scallon, Selway, Warren, Whiteside, Wilham.—15.

The following Senate amendments to House Bill No. 315 were read:

Amend Section 1 by adding at the end of the Section the words: "Provided that in a suit under this act to recover the penalty and damages, the burden of proof shall be on the person, railroad company or common carrier

confiscating the coal or other fuel to show that such coal or other fuel was necessary for the preservation of life or property, or was required for the moving of trains of such common carrier."

Amend Section 1 by striking out in line 3 of the printed bill the word "that." and inserting in lieu thereof the word "when."

Amend Section 2 by inserting after the word "shipment" in line 5, the following words: "and such other damages as may be caused by the confiscation of such coal".

The above Senate amendments to House Bill No. 315, were concurred in by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cutler, Cummings, Duncan, Farmer, Gerber, Goff, Greene, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, Decker, English, Fischer, Gray, Kirwan, Logan, Maxwell, Miles, Morris, McDonald, Ross, Scallon, Selway, Warren, Wilham.—17.

INTRODUCTION OF BILLS.

By unanimous consent Miller of Park was permitted to introduce the following bill:

By Miller of Park, by request, H. B. No. 420. A Bill for an Act entitled "An Act prohibiting the publication in newspapers, other papers, or otherwise, of offensive, improper and obscene advertising or other matter and providing for prosecution and penalties.

READING OF HOUSE BILLS

The following bill was taken from the file:

H. B. No. 420, read first and second times by title only, and referred to Committee on Ways and Means.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bill No. 35, having been returned by the Governor without his signature and with his reasons for not signing the same, was passed by the Senate notwithstanding the veto, and is herewith transmitted to the House for its action, together with the communication of the Governor in regard to such bill.

Respectfully,

C. E. WIGHT, Secretary.

The communication from the Governor, referred to, is as follows:

March 4, 1907.

To the President of the Senate,

Senate Chamber, Helena, Montana.

I herewith return Senate Bill No. 35, entitled 'An Act to amend Section 1270, 1355, 1360, 1408, 1410, 1412, 1413, and 1414, of the Political Code of the State of Montana, and Sections 1354 and 1361 of the same code, as amended by House Bill No. 59, of the Laws of 1901, approved March 7, 1901, relating to ballots, voting and election returns, and providing further for the voter while preparing his ballot and casting the same,' without my approval and with my objections thereto.

The bill is meritorious, in my opinion, in so far as it attempts to further safeguard the ballot against fraud and the possibilities of what is known as the "endless chain", and to that extent might be commendable as a separate and independent measure; but it should not be regarded as one of such importance as to engraft upon the law a narrow and unjustifiable restraint upon a custom which has long existed in this State by which sympathetic parties have fused upon certain candidates.

A similar bill was passed by the Ninth Session, and failed for want of my approval. One of the objections then urged and now renewed was as follows:

'While the bill might tend to prevent the recognition of mushroom parties believed by many to have no greater motive behind them for existing than a division of offices without regard to principles advocated, still, if this be true in some instances, yet in this day and generation, where there seems to be a well devised and widespread effort to enlarge rather than curtail the rights of the people, it is better to submit to this imperfection, if imperfection it be, than to fly to others which might be worse by adopting a method at variance and out of harmony with the spirit of the times'.

J. K. TOOLE, Governor.

Senate Bill No. 35, having been vetoed by the Governor, and being returned to the House for its consideration, the roll was called on the question, "Shall the bill become a law, the veto of the Governor notwithstanding," and was passed by two-thirds vote, as follows:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cutler, Decker, Farmer, Gerber, Goff, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, Patten, Potter, Root, Seidler, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Mr. Speaker.—48.

Noes.—Blewett, Burke, Cato, Cluston, Cummings, Duncan, Longstaff, O'Connor, Powers, Sherman, Swindlehurst, Whiteside, Wilder.—13.

Absent and not voting.—Barbour, Beckwith, English, Fischer, Kirwan, Miles, Morris, McDonald, Ross, Scallon, Warren, Wilham.—12.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 102, 183, 282, 301, 365, 387, 388 and H. J. M. No. 7, have

this day been concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bill numbered 267 has this day been amended and concurred in by the Senate and is herewith returned to the House for its concurrence in such amendment.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that on motion the Senate having voted to reconsider the vote by which it refused to concur in H. B. No. 85, the Secretary has been instructed to request you to return the same.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bills numbered 124 and Sub. for 58, have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

On motion by Allen, Substitute for Senate Bill No. 113 was withdrawn from the Committee on Appropriations and referred to Committee on Fish and Game.

READING OF SENATE BILLS.

S. B. No. 58, read first and second times by title only, and referred to Committee on Ways and Means.

S. B. No. 124, read first and second times by title only, and referred to Committee on Appropriations.

The following communication was sent to the Senate:

Helena, Montana, March 4, 1907.

Mr. President:

I am directed by the House to inform your Honorable body that Senate Bill No. 35 being received together with the Governor's Message, also, the Governor's reasons for not signing same and communication of your action notwithstanding the veto of the Governor, was this day passed by the House by a two-thirds vote.

Respectfully,

C. B. GIBBS, Chief Clerk.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Wendel in the chair.

House resumed.

Mr. Speaker in the chair.

Wendel, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 401, introduced by Griffin, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 299, introduced by Committee on Railroads and Transportation, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 408, introduced by Shaw, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 358, introduced by Campbell, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having under consideration House Bill No. 385, introduced by Potter, reports same back to the House with the recommendation that the enacting clause be stricken out.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 420, introduced by Miller, being a Bill for an Act entitled, An Act prohibiting the publication in newspapers, other papers, or otherwise, of offensive, improper or obscene advertising or other matter and providing for prosecutions and penalties, report same back with the following amendments:

That the words "one hundred," in line 5 of Section 3, be stricken out, and the word "fifty" be substituted therefor; and in the same line of said section the words "one thousand", be stricken out, and the words "five hundred" be substituted therefor.

With these amendments we recommend that it do pass."

Report adopted.

The House adjourned at 5:45 P. M.

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

FIFTY-EIGHTH DAY

Tuesday, March 5, 1907.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Bennett of Madison, Blake, Kirwan, McManus, and Shaw.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bill numbered 352 has this day been concurred in by the Senate and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate having refused to agree to House amendments to S. J. R. No. 3, and a conference having been requested the President has appointed Senators Edwards, Everett and Bielenberg as a Conference Committee.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the President has appointed Senators Haviland, McCone and Miles as a conference committee on H. B. No. 231.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 4, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bill No. 135 was introduced and read first and second times.

S. B. No. 135, by Miles. A Bill for an Act entitled, "An Act to create a commission to be known as the Montana State Game and Fish Commission, naming the State Game Warden as a member of said Commission, and providing for the appointment of two other members of said Commission by the Governor, fixing the duties and compensation of said Commission and authorizing them to locate, construct, and equip a State Fish Hatchery, to regulate the distribution of the product of said Hatchery, and to appropriate money from the Game and Fish Fund for all of said purposes.

Referred to Committee on Fish and Game.

Respectfully,

C. E. WIGHT, Secretary.

Mr. Speaker appointed Blake, McManus and Blewett as a conference committee on House Bill No. 231.

The following Senate amendments to House Bill No. 267 were read:

Amend by striking out the word "three" in line 4, Section 1, and insert in lieu thereof the word "eight."

The above Senate amendment to House Bill No. 267, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Har-

bordt, Harden, Hess, Hyndman, Leighton, Longstaff, Manchester, Marshall, Maxwell, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Blake, Campbell, Farmer, Kirwan, Kroger, Logan, Miles, Miller of Lewis and Clark, Miller of Park, McManus, Shaw, Sherman, Warren, Weed.—16.

THIRD READING OF HOUSE BILLS.

House Bill No. 347, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Campbell, Cameron, Cato, Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Griffin, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Manchester, Maxwell, Miller of Lewis and Clark, Morgan, McDonald, Macaulay, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Whiteside, Wilder, Mr. Speaker.—49.

Noes.—Burke, Fischer, Longstaff, Miles, O'Connor, Swindlehurst, Wilham.—7.

Absent and not voting.—Barbour, Bennett of Madison, Blake, Brewster, Corby, Cluston, Cummings, Kirwan, Marshall, Miller of Park, Moore, Morris, McManus, Shaw, Sherman, Warren, Weed.—17.

Title agreed to.

House Bill No. 297, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, O'Connor, Patten, Powers, Root, Ross, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Mr. Speaker.—55.

Noes.—None.

Absent and not voting.—Allen, Barbour, Bennett of Madison, Blake, Blewett, Brewster, English, Griffin, Kirwan, Moore, Morris, McDonald, McManus, Macaulay, Potter, Scallon, Shaw, Wilham.—18.

Title agreed to.

House Bill No. 283, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Brewster, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Morgan, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Selway, Sherman, Swindlehurst, Thompson

of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Blake, Farmer, Griffin, Harden, Kirwan, Logan, Miller of Park, Moore, Morris, McDonald, McManus, Scallon, Shaw, Thompson of Fergus.—16.

Title agreed to.

House Bill No. 350, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Macaulay, O'Connor, Patten, Powers, Ross, Seidler, Selway, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—54.

Noes.—Potter and Warren.—2.

Absent and not voting.—Bennett of Madison, Blake, Campbell, Cameron, Farmer, Kirwan, Logan, Miller of Park, Morris, McDonald, McManus, Scallon, Shaw, Swindlehurst, Root, Wilder, Wilham.—17.

Title agreed to.

House Bill No. 356, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Boorman, Brewster, Burke, Brownlee, Cameron, Corby, Cutler, Decker, English, Fischer, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, Potter, Powers, Root, Ross, Seidler, Shaw, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—50.

Noes.—Cato, Duncan, Sherman and Warren.—4.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Campbell, Cluston, Cummings, Farmer, Gerber, Griffin, Kirwan, Morris, McManus, Macaulay, O'Connor, Patten, Scallon, Selway, Swindlehurst, Thompson of Sanders.—19.

Title agreed to.

House Bill No. 360, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blewett, Brownlee, Burke, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kroger, Leighton, Longstaff, Manchester, Marshall, Miles, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Morris, McDonald, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—56.

Noes.—Boorman.—1.

Absent and not voting.—Bennett of Madison, Blake, Brewster, Campbell,

Farmer, Gerber, Harden, Hess, Kirwan, Logan, Miller of Park, McManus, Macaulay, Selway, Swindlehurst, Towers.—16.

Title agreed to.

House Bill No. 303, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, Morris, McDonald, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Wilder, Wilham, Mr. Speaker.—54.

Noes.—Boorman, Cluston, Longstaff, Miles, Whiteside.—5.

Absent and not voting.—Barbour, Blake, Corby, Gerber, Harden, Kirwan, Leighton, Miller of Lewis and Clark, McManus, Macaulay, Sherman, Swindlehurst, Tudor Warren.—14.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit House Bills Nos. 351, 342, Sub. for H. B. 371, H. B. 401, 354, 327, 170, 357 correctly engrossed.

Harden, from the Enrolling Committee, reported as follows:

Mr. Speaker:

Your Committee on Enrolling report the following bills as correctly enrolled this 5th day of March 1907:

House Bill No. 153. An Act to amend Section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners, providing for the revocation of such certificates, and prescribing the procedure on appeal from the action of the State Board of Medical Examiners.

House Bill No. 277. An Act to amend Sections 1 and 8, of Article 5, of Chapter 106, of the Laws of 1905, and providing for the payment of interest on cost of constructing drains where payment is extended for more than one year.

House Bill 192. An Act to amend Section 606 of the Political Code of the State of Montana, relating to the practice of medicine or surgery contrary to law, providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of medicine or surgery.

House Bill No. 96. An Act to amend Sections one, two, three, four and five of an Act of the Eighth Legislative Assembly, entitled, "An Act to appoint the Entomologist of the Experiment Station, State Entomologist, and appropriate money to pay his travelling expenses."

House Bill No. 140. An Act to create a State Text Book Commission for the purpose of adopting and maintaining a uniform series of text books for the public schools of Montana; to regulate the price of same; define the duties and powers of the said Commission, and appropriating a sum of money named therein for the expenses of said Commission.

Substitute for House Bill No. 50. An Act to prohibit the sale of liquors, and the erection or keeping of saloons outside of the corporate limits of cities, and towns, and in the vicinity of cemeteries, or within one-half mile of parks to which the public is admitted free of charge, and in which the sale of malt, vinuous, spirituous and other intoxicating liquors is not allowed and is not carried on.

Mr. Speaker announced that he was about to sign House Bills Nos. 153, 277, 192, 96, 140, and Substitute for House Bill No. 50, and signed the same in the presence of the House.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

Executive Office, Helena, Montana, March 5, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

The following House Bills have been approved and deposited with the Secretary of State:

No. 22. An Act to create a disability fund in cities and towns of the State of Montana having a fire department, etc.

No. 121. An Act to amend Section 606, Title 4, Chapter 1, Civil Code, relating to the filing of annual statements by certain corporations.

No. 146. An Act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

No. 149. An Act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

No. 161. An Act to amend Section 66 of the Code of Civil Procedure of the State of Montana, respecting the civil jurisdiction of justices of the peace.

No. 181. An Act to amend Section 2391 of Chapter 3, Article 1, Part 3, Title 5, Political Code of Montana, to repeal Section 2396 of said Chapter, relating to the librarians and their salaries, and to add a new section to said Chapter 3, to be designated as Section 2401, relating to assistant librarians and their salaries.

No. 186. An Act to compel street railway companies to protect certain of their employes from inclemencies of the weather while performing service, and providing penalties for violation of the same.

No. 212. An Act to require an annual apportionment and accounting of surplus of life insurance companies.

No. 221. An Act to add to Article 6, Chapter 3, Title 1, Part 3 of the Political Code a section to be numbered 428, providing for the cancellation by the State Auditor at the expiration of a specified period of all warrants returned or uncalled for.

No. 230. An Act to amend Section 3865 of the Civil Code of the State of Montana, relating to the period of time for which mortgages of personal property shall be valid; and to amend Section 3866 of the Civil Code of the State of Montana, relating to the renewal of mortgages of personal property as amended by Chapter 4, Laws of 1903, approved March 4, 1903, and as amended by an Act of the Legislative Assembly of the State of Montana, approved Feb. 28, 1905.

No. 233. An Act to amend Section 2070 of the Penal Code of Montana,

and to repeal an act approved Feb. 15, 1901, relating to method of procedure in the trial of criminal actions.

No. 241. An Act authorizing the appointment of a third assistant attorney general and authorizing the employment of an additional stenographer for the attorney general's office.

No. 271. An Act relating to banking, brokerage, exchange, loan and deposit business, and amending Section 986 of the Penal Code of the State of Montana.

No. 272. An Act to provide for the appointment of a commissioner to compile and revise the Code and other laws of Montana, to provide for the publication of such codes, to provide for the compensation of such commissioner and to make an appropriation therefor.

No. 276. An Act to amend Section 402, Article 5, Chapter 3, Part 3, Title 1, of the Political Code, providing for the distribution of published copies of the Senate and House Journals.

No. 304. An Act to amend Section 670 of Chapter 1, Title 4, of the Civil Code, relating to insurance companies.

House Joint Memorial No. 1. Petitioning Congress to enact such legislation as will result in the opening of Fort Peck Indian Reservation.

J. K. TOOLE, Governor.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 5, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 344, 416, and Sub. for House Bill 414, have been correctly printed.

THIRD READING OF HOUSE BILLS.

House Bill No. 367, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cato, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Wendel, Wilder, Wilham, Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Allen, Barbour, Blake, Campbell, Corby, Gerber, Harden, Kirwan, Morgan, McManus, O'Connor, Potter, Powers, Tudor, Warren, Weed, Whiteside.—17.

Title agreed to.

House Bill No. 405, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Goff,

Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Leighton, Logan, Manchester, Marshall, Maxwell, Miles, Miller of Park, Moore, Morris, McDonald, Macaulay, Powers, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Allen, Barbour, Blake, Gerber, Harden, Kirwan, Kroger, Longstaff, Miller of Lewis and Clark, O'Connor, McManus, Morgan, Patten, Potter, Shaw, Tudor.—16.

Title agreed to.

House Bill No. 411, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Park, Moore, Morris, McDonald, Macaulay, Patten, Potter, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—60.

Noes.—None.

Absent and not voting.—Allen, Bennett of Madison, Blake, Cameron, Gerber, Goff, Harden, Kirwan, Miller of Lewis and Clark, Morgan, McManus, O'Connor, Scallon.—13.

Title agreed to.

House Bill No. 170, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Greene, Gray, Harbordt, Hyndman, Kroger, Logan, Marshall, Miles, Moore, Morgan, McDonald, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Allen, Beckwith, Campbell, Farmer, Gerber, Goff, Griffin, Harden, Hess, Kirwan, Leighton, Longstaff, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Morris, McManus, Scallon, Swindlehurst, Towers, Warren.—22.

Title agreed to.

House Bill No. 327, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Cameron, Corby, Cluston, Cummings, Cutler, Decker, English, Farmer, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kroger, Leighton, Logan, Marshall, Maxwell, Morgan, Morris, McDonald, Macaulay, Potter, Scallon, Seidler, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Weed, Wendel, Whiteside, Wilham, Mr. Speaker, Shaw.—44.

Noes.—Beckwith, Bennett of Madison, Blewett, Cato, Duncan, Fischer, Longstaff, Miller of Lewis and Clark, Patten, Powers, Sherman. -12.

Absent and not voting.—Barbour, Campbell, Gerber, Griffin, Harden, Kirwan, Manchester, Miles, Miller of Park, McManus, O'Connor, Root, Ross, Towers, Walker, Moore, Wilder. -17.

Title agreed to.

House Bill No. 342, having been read three several times, was passed the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Boorman, Corby, Cluston, Cummings, Decker, English, Farmer, Goff, Greene, Gray, Harbordt, Hess, Leighton, Logan, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Morgan, Morris, McDonald, Macaulay, Potter, Powers, Root, Ross, Scallon, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Weed, Wilham, Mr. Speaker.—37.

Noes.—Blake, Blewett, Cato, Duncan, Hyndman, Seidler, Selway, Swindlehurst, Warren.—9.

Absent and not voting.—Allen, Barbour, Brewster, Brownlee, Burke, Campbell, Cameron, Cutler, Fischer, Gerber, Griffin, Harden, Kirwan, Kroger, Longstaff, Marshall, Miller of Park, Moore, McManus, O'Connor, Patten, Shaw, Sherman, Towers, Wendel, Whiteside, Wilder.—27.

Title agreed to.

House Bill No. 351, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blake, Boorman, Blewett, Brownlee, Brewster, Cameron, Cato, Corby, Cluston, Cummings, Decker, English, Farmer, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Logan, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Potter, Powers, Root, Ross, Seidler, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Mr. Speaker.—46.

Noes.—Burke, Duncan, Fischer, Selway, Warren, Wilham.—6.

Absent and not voting.—Allen, Bennett of Madison, Campbell, Cutler, Gerber, Goff, Griffin, Kirwan, Leighton, Longstaff, Maxwell, McManus, Macaulay, O'Connor, Patten, Scallon, Sherman, Towers, Tudor, Whiteside, Wilder. 21.

Title agreed to.

House Bill No. 354, having been read three several times, was defeated by the following vote:

Ayes.—Allen, Barbour, Campbell, Blake, Cameron, Corby, Hess, Hyndman, Leighton, Logan, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Morris, Macaulay, Ross, Scallon, Walker, Weed, Wendel, Mr. Speaker.—22.

Noes. Beckwith, Bennett of Madison, Blewett, Brownlee, Burke, Cato, Cluston, Cummings, Decker, Duncan, Fischer, Greene, Harbordt, Harden, Longstaff, Miles, O'Connor, Potter, Powers, Root, Seidler, Selway, Shaw, Sherman, Thompson of Fergus, Tudor, Warren, Wilder, Wilham.—29.

Absent and not voting.—Bennetts of Silver Bow, Boorman, Brewster, Cutler, English, Farmer, Gerber, Goff, Gray, Griffin, Kirwan, Kroger, Marshall,

Moore, Morgan, McDonald, McManus, Patten, Swindlehurst, Thompson of Sanders, Whiteside.—21.

House Bill No. 357, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, Patten, Potter, Powers, Root, Ross, Scallan, Selway, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Tudor, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker. - 58.

Noes.—None.

Absent and not voting.—Boorman, Cutler, English, Farmer, Griffin, Hess, Kirwan, McDonald, McManus, O'Connor, Seidler, Thompson of Sanders, Walker, Warren, Weed.—15.

Title agreed to.

On motion by Marshall, Substitute for House Bill No. 371 was withdrawn from third reading and placed on General Orders.

House Bill No. 401, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallan, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Warren, Weed, Wendel, Wilder, Wilham, Mr. Speaker, Selway. 61.

Noes.—Potter.—1.

Absent and not voting.—Boorman, Brewster, Corby, Cutler, English, Fischer, Kirwan, McDonald, McManus, Walker, Whiteside.—11.

Title agreed to.

On motion of O'Connor, H. B. No. 403 was withdrawn from Committee on Sanitary Affairs and placed on General Orders.

House Bill No. 280, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Powers, Root, Ross, Scallan, Seidler, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—55.

Noes.—Beckwith, Blewett, Brewster, Griffin, Patten, Potter, Sherman, Towers, Tudor, Warren. -10.

Absent and not voting.—Boorman, Cutler, Fischer, Kirwan, Miller of Lewis and Clark, Miller of Park, McManus, Selway.—8.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit House Bills Nos. 299 and 406 correctly engrossed.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 299, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Campbell, Cameron, Cato, Corby, Cummings, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Harbordt, Hess, Hyndman, Kroger, Leighton, Morris, O'Connor, Root, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Mr. Speaker.—37.

Noes.—Barbour, Blewett, Boorman, Burke, Cluston, Gray, Longstaff, Manchester, Marshall, Maxwell, Miles, Moore, Morgan, McDonald, Macaulay, Patten, Potter, Ross, Scallon, Walker, Warren, Whiteside, Wilder, Wilham.—24.

Absent and not voting.—Beckwith, Cutler, Fischer, Griffin, Harden, Kirwan, Logan, Miller of Lewis and Clark, McManus, Powers, Seidler, Miller of Park.—12.

Title agreed to.

House Bill No. 406, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Campbell, Corby, Cluston, Cummings, Decker, English, Farmer, Goff, Greene, Gray, Griffin, Harden, Hess, Hyndman, Kroger, Leighton, Logan, Longstaff, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Mr. Speaker.—53.

Noes.—Cato and Warren.—2.

Absent and not voting.—Beckwith, Blewett, Cameron, Cutler, Duncan, Fischer, Gerber, Harbordt, Kirwan, Maxwell, McManus, O'Connor, Powers, Shaw, Tudor, Whiteside, Wilder, Wilham.—18.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bill No. 136, was this day introduced and read first and second times.

S. B. No. 136, by Glidden. A Bill for an Act entitled "An Act authoriz-

ing the Board of County Commissioners in each county to appropriate money out of the general fund for the purpose of defraying the expenses of the exhibit of the county at the State Fair.

Referred to Committee on Fairs and Expositions.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Committee on Stockgrowing and Grazing, to whom was referred Sub. for H. B. No. 57, having recommended that it be not concurred in, and their report having been approved by the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Committee on Counties, Towns and Municipal Corporations, to whom were referred House Bills numbered 258 and 286, having recommended that they be not concurred in, and their report having been approved by the Senate, the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Committee on Stockgrowing and Grazing, to whom were referred House Bills numbered 343 and Sub. for H. B. 144, having recommended that they be not concurred in, and their report having been approved by the Senate, the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

INTRODUCTION OF BILLS.

By two-thirds vote, Campbell was permitted to introduce the following bill:

By Campbell, H. B. No. 421. A Bill to amend Chapter CXX, Laws of 1903, relating to the office of Meat and Milk Inspector and prescribing their powers and duties and compensation.

READING OF HOUSE BILLS

The following bill was taken from the file:

H. B. No 421, read first and second times by title only, and referred to Committee on Sanitary Affairs.

REPORTS OF STANDING COMMITTEES.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs to which was referred Senate Bill

No. 105, A Bill for an Act to regulate the practice of Optometry, having had the same under consideration, respectfully reports the same back with the recommendation that it do pass.

Report adopted.

The House took a recess at 12 o'clock noon, until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bill numbered 99 and Sub. for 117, have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 85, 314 and 317 have this day been concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:

March 5, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred Senate Bill No. 102, A Bill for an Act entitled, "An Act to provide a silver service for the United States Cruiser 'Montana', and to appropriate money to purchase the same", having had same under consideration and recommend that it be amended as follows: In Section 3, strike out the words "also the sum of Five Hundred Dollars, or so much thereof as may be necessary to pay the expenses of said Commission", and as so amended, they report the bill back to the House.

Motion by Blake that Senate Bill No. 102 be placed on General Orders.

Substitute motion by Gray, that Senate Bill No. 102 be indefinitely postponed.

Roll was called and substitute motion lost by the following vote:

Ayes. —Brewster, Cameron, Cato, Cummings, Decker, Duncan, Goff, Gray, Harbordt, Harden, Leighton, Longstaff, Manchester, Maxwell, Miller of Lewis and Clark, Moore, Morgan, O'Connor, Potter, Ross, Sherman, Thompson, of Sanders, Tudor, Wilder, Wilham.—25.

Noes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brownlee, Burke, Corby, Cluston, Cutler, English, Fischer, Gerber, Kroger, Logan, Miles, Miller of Park, Morris, McDonald, McManus, Macaulay, Patten, Powers, Scallon, Seidler, Shaw, Swindlehurst, Towers, Warren, Walker, Weed, Wendel, Whiteside. Mr. Speaker.—34.

Absent and not voting.—Barbour, Beekwith, Boorman, Campbell, Farmer, Greene, Griffin, Hess, Hyndman, Kirwan, Marshall, Root, Selway, Thompson of Fergus.—14.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 101 and 50, and signed the same in the presence of the House.

Bennett raised the point of order that it was not legal for the House to withdraw Senate Bill 113 from the Committee on Appropriations, and refer the same to another Committee, and that he objected to such action.

Chair ruled the point not well taken.

Bennett, from the Committee on Appropriations, reported as follows:

March 5, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred Senate Bill No. 124, introduced by Committee on Finance and Claims, A Bill for an Act entitled: "An Act to appropriate money to pay to the owners of bonds heretofore issued by the State Board of Land Commissioners under the name of the State University, State Normal School, Agricultural College, and the Deaf and Dumb School of the State of Montana, an amount equal to the interest due and accruing on the interest coupons attached to said bonds and maturing on or before January 1st, 1901, and to authorize the State Board of Examiners to call in said bonds in the order of their issuance and to pay and cancel the same, and to appropriate money for such purpose" recommend that it be not concurred in".

Report adopted.

Also:

March 5, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred Senate Bill No. 129, A Bill for an Act entitled: "An Act authorizing the State Furnishing Board of the State of Montana to purchase cabinets for the departments of State Mine Inspector and State Coal Mine Inspector, and appropriating money to pay for the same", have had the same under consideration and recommend that it be concurred in."

Report adopted.

Also:

March 5, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 374, A Bill for an Act entitled, "An Act to provide for the publication of public acts of Legislative Session, and appropriating money to defray the cost thereof", have had same under consideration and recommend that it be indefinitely postponed.

Report adopted.

Also:

March 5, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred H. B. No. 216, A Bill for an Act entitled, "A Bill for an Act to amend Sections 7, 11, 13, 15, 16, 18, 21, 35, 36 and 47, of an Act to revise the laws in reference to the State Militia of the State of Montana and to repeal certain laws named in this Act, approved March 9, 1897, and providing for the appointment of a chief clerk to the Adjutant General and a Military storekeeper and fixing salaries", having had the same under consideration, recommend that it be indefinitely postponed.

Report adopted.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 421. "A Bill for an Act to amend Chapter CXX, Laws of 1903, relating to the office of Meat and Milk Inspectors, and prescribing their powers, duties and compensation", having had the same under consideration, respectfully report it back with the recommendation that it do pass.

Report adopted.

Brewster, from the Committee on Live Stock and Public Ranges, reported as follows:

Helena, Montana, March 5, 1907.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration Senate Bill No. 125, A Bill for an Act entitled, "An Act to amend Sections 3000 and 3013 of the Political Code, and the acts amendatory thereof, relating to the appointment of a State Veterinary Surgeon, his qualifications and salary", recommend that the same be not concurred in.

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration S. B. No. 64, introduced by Martien, being a Bill for an Act entitled, "An Act to provide for the submission to the qualified electors of the State of Montana a proposition to amend Section 13, of Article XII, of the Constitution of the State of Montana, relating to the public funds in the hands of the State Treasurer, report same back with the recommendation that further consideration be indefinitely postponed for the reason that House Bill No. 352 passed by the House and concurred in by the Senate, covers the same point.

Report adopted.

Also:

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration S. B. No. 58, introduced by Judiciary Committee, being a Bill for an Act entitled, An Act to require bonds from abstractors and to provide security to the public against errors, omissions, and defects in abstracts of title of real

estate, and for the use of abstracts in evidence and to provide a penalty for the violation thereof, report same back with the recommendation that further consideration be indefinitely postponed.

Report adopted.

READING OF SENATE BILLS.

S. B. No. 117, read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 99, read first and second times by title only, and referred to Committee on Fairs and Expositions.

REPORTS OF STANDING COMMITTEES.

Miller of Lewis and Clark, from the Committee on Employees reported as follows:

Mr. Speaker:

Your Committee on Employees respectfully report that the Chairman of the Committee on Enrollment has requested more assistants. We believe this necessary and recommend the appointment of Victor Kessler, Miss Edna Tilton, Miss Minnie Watson and Mrs. A. B. Clements and recommend their appointment.

Report adopted.

The House resolved itself into a Committee of the Whole for the consideration of House Bill No. 409.

O'Connor in the chair.

House resumed.

Mr. Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 409, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 45, after the word "instruction", the words "2 thousand five hundred," and inserting in lieu thereof the word "three thousand dollars".

Amend Section 1, line 57, by striking out the word "Two" and inserting in lieu thereof the word "Five".

Add after line 83, Section 1, the following: "Salary of the State Coal Mine Inspector, \$2,500." "Office and Traveling Expenses, One Thousand Five Hundred Dollars." "For Salary Clerk of the State Mine and Coal Mine Inspector, One Thousand Eight Hundred Dollars."

Amend Section 1, line 96, by striking out the words "Nine Hundred" and inserting in lieu thereof the words "One Thousand Two Hundred".

Amend Section 1, line 103, by inserting after line 103, the following: "103 1-2. For extra clerical hire for same, Two Hundred Dollars".

Amend Section 1, line 105, by striking out the words "Five Hundred".

Amend Section 1, line 110 by striking out the words "Office and Traveling".

Amend Section 1, line 113, by striking out the words "One Thousand" and inserting in lieu thereof the words "Three Thousand".

Amend Section 1, line 115, by striking out the words "Eight Hundred" and insert in lieu thereof the words "Three Thousand".

Amend Section 1, line 120, after the word "protection" by inserting the words "One Thousand".

Amend Section 1, lines 122 and 123 to read as follows: "For salary of Two Deputy Secretaries of the Bureau of Child and Animal Protection, Three Thousand Dollars".

Amend Section 1, lines 124 and 125, by striking out the words "One Thousand Two Hundred Dollars", and inserting in lieu thereof the words "Six Hundred Dollars".

Amend Section 1, after line 131 by inserting the words: "For Salary of Secretary of State Fair, One Thousand Two Hundred Dollars".

Amend Section 1, by adding after the word "Dollars" in line 133, the following: "one-half of which shall be payable out of the Carey Land Act Fund".

Amend Section 1, line 134, by striking out the word "Five" and insert in lieu thereof the word "Two".

Amend Section 1, after line 136, by inserting the following: "For salaries of Meat and Milk Inspectors from February 28, 1907, to February 28, 1908, Ten Thousand Dollars. For actual and necessary expense of the Meat and Milk Inspection commission from February 28, 1907, to February 28, 1908, One Thousand Dollars".

Add after line 152, Section 1, the following: "For expenses of Judges sitting in place of other Judges, One Thousand Dollars".

Amend Section 2, line 207, by striking out the word "Two" and inserting in lieu thereof the word "Five".

Amend Section 2, by inserting after line 233 the words "For salary of Coal Mine Inspector, Two Thousand Five Hundred Dollars". For office and traveling expenses, One Thousand Five Hundred Dollars. For salary of Clerk of State Mine and State Coal Mine Inspector, One Thousand Eight Hundred Dollars".

Amend Section 2, line 246, by striking out the word "Nine" and inserting in lieu thereof the words "One Thousand Two Hundred Dollars".

Amend Section 2 by inserting after line 251 the following: "For extra clerical hire for same, Two Hundred Dollars".

Amend Section 2, line 257, by striking out the words "Office and Traveling".

Amend Section 2, line 260, by striking out the words "One Thousand Two Hundred", and inserting in lieu thereof the words "Three Thousand Dollars".

Amend Section 2, line 262, by striking out the words "Eight Hundred" and inserting in lieu thereof the words "Three Thousand".

Amend Section 2, line 267-A, by inserting after the word "Protection", the words "One Thousand Dollars".

Amend Section 2, lines 268 and 269, to read as follows: "For salaries of Two Deputy Secretaries of the Bureau of Child and Animal Protection, Three Thousand Dollars".

Amend Section 2, lines 270 and 271, by striking out the words "One Thousand Two" and inserting in lieu thereof the word "Six".

Amend Section 2, line 237, by inserting the following after line 237: "For salary of Secretary of the State Fair, One Thousand Two Hundred Dollars".

Amend Section 2, by adding after the word "Dollars" in line 270, the following: "one-half of which shall be payable out of the Carey Land Act Fund".

Amend Section 2, line 280, by striking out the word "five" and inserting in lieu thereof the word "two".

Amend Section 2, after line 282, by inserting the following: "For salaries of Meat and Milk Inspectors from February 28, 1908, to February 28, 1909, Ten Thousand Dollars. For actual and necessary expense of the Meat and Milk Inspection commission from February 28, 1908, to February 28, 1909, One Thousand Dollars".

Amend Section 2, by adding after line 297 the following: "For expenses of Judges sitting in the places of other Judges, One Thousand Dollars".

Amend Section 2, by inserting after line 298, the following: "For salary of State Law Librarian, Two Thousand Dollars. For maintenance and expenses of the State Law Library, Seven Hundred Dollars. For purchase of books for the State Law Library, One Thousand Five Hundred Dollars".

Report adopted.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 5, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bill 86 has been correctly printed.

Mr. Speaker announced the appointment of Cummings, Cato, and Decker as Conference Committee on Senate Joint Resolution No. 3.

On motion by Bennett, House Bill No. 409 was considered correctly engrossed and placed on third reading.

The following report was received:

Mr. Speaker:

Your Committee on Conference on House Bill No. 231, being a Bill for an Act appropriating money for the Montana State School of Mines, located at Butte, Montana, for the erection and equipment of a boiler plant and of a metallurgical plant for said school", submit that they have met in conference and considered the difference between the two Houses with respect to the same, and beg to recommend that the Honorable Senate recede from their amendment to said bill.

All of which is very respectfully submitted,

HAVILAND, Chairman, Senate Committee.

BLAKE, Chairman, House Committee.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bill as correctly enrolled, this 5th day of March, 1907:

House Bill No. 261. An Act to amend Sections 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490 and 2491, Chapter IV, Part II, of the Criminal Code of Montana, relating to the examination of witnesses conditionally.

Substitute for House Bill No. 259. An Act to amend Chapter 50 of the Session Laws of the year 1905, State of Montana, being an Act entitled "An Act prescribing the hours of labor which shall constitute a day's work on all works or undertakings carried on or aided by municipal, county or state government, and on all contracts let by them, and in mills and smelters for the treatment of ores and in underground mines, and providing a penalty for the violation of the provisions of this Act", approved March 1st, 1905, and to provide further the number of hours labor which shall constitute a day's labor for the washing or reducing or the treatment of coal.

House Bill No. 302. An Act to amend Section 2097 of the Penal Code of the State of Montana, relating to trials in criminal cases.

House Bill No. 270. An Act prohibiting the use of fire-arms by children under the age of fourteen years.

House Bill No. 160. An Act to amend Section 1 of an Act providing for the payment of the indebtedness and expense hereafter incurred by cities, the indebtedness of which exceeds the limit provided in Section 6, Article XIII. of the Constitution of the State of Montana, and further providing for the levy and collection of taxes for such purposes, approved February 24th, 1903.

No. 253. An Act defining the crime of burglary with explosives and fixing punishment therefor.

House Bill No. 313. An Act to amend Section 607 of the Political Code of the State of Montana, relating to the fees of candidates for examination for license to practice medicine and surgery in the State of Montana, and application thereof.

House Bill No. 183. An Act approving bounty claim of Stockmen's National Bank, of Fort Benton, Montana, and providing for the payment thereof.

House Bill No. 293. An Act to amend Sections 8 and 12 of Chapter 51 of the Laws of 1905, relating to the practice of osteopathy contrary to law in the State of Montana, and providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of osteopathy.

House Bill No. 182. An Act to establish a State Board of Health, subordinate county, city and town boards of health, defining the powers and duties of each, providing for the compensation of the officers and members of each, providing for the enforcement of the rules and regulations and laws relating to said boards, and to repeal an act entitled, "An Act creating a State Board of Health, defining its powers and duties and providing for the

compensation of its officers and providing for the enforcement of the rules and regulations of said Board", approved March 15th, 1901."

Mr. Speaker announced that he was about to sign House Bills Nos. 261, Sub. for House Bill No. 259, 302, 270, 160, 253, 313, 183, 293, 182, and signed the same in the presence of the House.

THIRD READING OF HOUSE BILLS.

House Bill No. 409, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Hess, Harbordt, Kroger, Logan, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, Macaulay, O'Connor, Patten, Powers, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham, Mr. Speaker.—61.

Noes.—None.

Absent and not voting.—Beckwith, Barbour, Cato, Griffin, Harden, Hyndman, Kirwan, Leighton, McDonald, McManus, Thompson of Fergus, White-side.—12.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Logan, from the Committee on Fish and Game, reported as follows:

Helena, Montana, March 5, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration Substitute for Senate Bill No. 113, A Bill for an Act entitled "An Act fixing the compensation and expense of the State Game and Fish Warden, Special Deputy Game and Fish Wardens, and salary of clerk in State Game and Fish Warden's office", return the same to the House with the recommendation that it be concurred in.

Report adopted.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Campbell in the chair.

House resumed.

Mr. Speaker in the chair.

Campbell, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 118, introduced by White, reports same back to the House with the recommendation that it be re-referred to General Orders.

Also having had under consideration Senate Bill No. 51, introduced by Muffley, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 122, introduced by

White, reports same back to the House with the recommendation that it be re-referred to General Orders.

Also having had under consideration Senate Bill No. 112, introduced by McLean, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by striking out in line 5 the word "must" and inserting in lieu thereof the word "may".

Also having had under consideration Senate Bill No. 109, introduced by Donlan, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 413, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section by striking out all of lines 24 and 25.

Amend Section 2 by striking out all of lines 48 and 49.

Also having had under consideration House Bill No. 355, introduced by Shaw, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out all of said Section, and inserting in lieu thereof the following: "On the first Monday in June and December of each year the County Treasurer of each county in the State shall make a report in writing under oath to the Board of County Commissioners of his County, containing the names of the persons who have failed to pay any license tax, and stating the amount of the license tax unpaid during the preceding six months, and cause the same to be published in the official paper of the county."

Report adopted.

On motion by Miller of Park, the vote adopting the report for indefinite postponement of Senate Bill No. 124, was reconsidered.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 5, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 418, 419, 381, 417, 420 and 415, have been correctly printed.

Scallon, from the Committee on Judiciary, reported as follows:

Helena, Montana, March 5, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 346, entitled, "A Bill for an Act to create a commission to regulate, control and supervise a 'State Bank Deposit Insurance Fund', to provide for the same; to control its investments, and to control the receivers of insolvent state banks", recommend that said bill be printed and placed on general file".

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 5th day of March, 1907:

House Bill No. 185. An Act regarding gambling and to prohibit certain games, and the possession or use of certain implements and appliances and the using or leasing of any premises for gambling purposes, to provide for the enforcement of this act, and to provide civil and criminal liabilities and penalties for violations of its provisions and civil actions for the recovery of money lost at any of the games herein prohibited, and to repeal and prohibit city and town ordinances on the subject, and to repeal the act approved March 15, 1901, entitled: "An Act to prohibit gambling within the State of Montana, to provide penalties for the violation of this Act, and repealing an Act of the Fifth Regular Session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled 'An Act to prohibit gambling within the State of Montana, and to provide penalties for the violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with this Act,' and conflicting Acts".

House Bill No. 365. An Act authorizing and empowering the Carey Land Act Board to secure cancellation of bonds issued for the reclamation of arid lands, under the Carey Congressional Act, and accept bonds in payment for canals, water rights, lands and appurtenances, and execute deeds therefor, and to compromise claims, and make contract for the reclamation and settlement of said arid lands.

House Bill No. 301. An Act appropriating money for the payment of the claim of certain sheriffs of the State of Montana for expenses incurred in transporting prisoners to the penitentiary during the years 1905 and 1906.

House Bill No. 387. An Act appropriating money for the payment of certain claims for expenses incurred by the committee appointed to investigate the car and coal shortage in Montana."

Mr. Speaker announced that he was about to sign House Bills Nos 185, 365, 301 and 287, and signed the same in the presence of the House.

INTRODUCTION OF BILLS.

The following bill was permitted to be introduced and placed on file:

By Committee on Appropriations, H. B. No. 422. A Bill for an Act to appropriate moneys for the payment of the per diem of the officers and attaches of the Tenth Legislative Assembly of the State of Montana.

READING OF HOUSE BILLS

H. B. No. 422, read first and second times in full, and referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:
March 5, 1907.

Mr. Speaker:

Your Committee on Appropriations, to which was referred House Bill No. 422, "An Act to appropriate moneys for the payment of per diem of the

officers and attaches of the Tenth Legislative Assembly of the State of Montana", recommend that it do pass.

Report adopted.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 412, introduced by Tudor, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 341, introduced by Boorman, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 37, introduced by Macaulay, reports same back to the House with the recommendation that it be re-referred to the Steering Committee.

Also having had under consideration House Bill No. 404, introduced by Manchester, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 402, introduced by Goff, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 348, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 391, introduced by Morgan, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 5 by adding at the end thereof the following: "Provided that nothing herein shall in any way affect any civil action for personal injuries".

Also having had under consideration House Bill No. 399, introduced by Morris, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 330, introduced by Marshall, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 264, introduced by Wilder, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by adding thereto the words: "and provide for their place of meeting".

Amend Section 1 by striking out all of lines 11, 12, 13, and in line 14 the words "such city or town and." Strike out all of line 23 after the word

"provided;" all of lines 24, 25, 26, and all of line 27 after the word "property"; all of line 30 after the word "property"; all of lines 31 and 32.

Also having had under consideration J. C. R. No. 3, introduced by Shaw, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 403, introduced by O'Connor, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1, by inserting after the word "tables", in line 9, the following: "no food stuffs which have been harmfully adulterated"; and strike out after the word "tables". "food stuffs which the state law of Montana compels to be branded as adulterated"; and in the following line, before the word "labels" insert the word "original". After the word "foods", strike out "that the pure food law of the State of Montana requires to be labeled 'adulterated'; and after the word "such" in the following line strike out the word "impure".

Amend Section 2 by striking out in line 23 the word "penitentiary," and inserting in lieu thereof the word "prison."

Also having had under consideration House Bill No. 135, introduced by Shaw, reports same back to the House with the recommendation that it be indefinitely postponed.

Also having had under consideration House Bill No. 344, introduced by Cameron, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1, by inserting in line 19, after the word "of" the numerals "3rd, 4th." Also by inserting in line 21 after the word "commission," the words "in lieu of above stated salary." Also by striking out in lines 34, 35, 36 and 37, all after the word "collectible," in line 34.

Also having had under consideration House Bill No. 416, introduced by Cameron, reports same back to the House with the recommendation that it do pass as amended, as follows:

Strike out all of section 1 and insert in lieu thereof the following:

"Section 1. Upon petition of a majority of freeholders in any district containing not less than thirty-six (36) square miles within any county in the State of Montana, a majority of the acreage of which district is under cultivation and is wholly outside of the corporate limits of any incorporated city or town, said petition describing the proposed limits of a herding district for live stock within the county, the Board of County Commissioners shall have power and authority to establish a herding district within the limits of which live stock shall not be permitted to run at large."

Amend Section 3 by inserting in line 18, after the word "large," the words "within such district."

Amend Section 3 by striking out in lines 23 and 24 the words "owned by persons residing," and adding in line 24 the words "which may stray therein."

Also having had under consideration Substitute for House Bill No. 414, introduced by Bennett, reports same back to the House with the recommendation that it do pass.

On motion by Swindlehurst, the report on House Bill No. 330 was segregated from the report of the Committee of the Whole, and as thus segregated the report was adopted.

Motion by Marshall that the report on House Bill No. 330 be adopted.

Substitute motion by Swindlehurst that House Bill No. 330 be re-referred to the Steering Committee.

On motion of Burke, the House adjourned at 6:40 P. M.

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

FIFTY-NINTH DAY

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Roll called and all members found present except Barbour, Bennett of Madison, Blake, Kirwan, Leighton, Logan, Miles, Potter, Thompson of Fergus, Shaw, Tudor and Warren.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Public Buildings, to whom was referred House Bills Nos. 101 and 351, having recommended that they be not concurred in and their report having been adopted by the Senate, the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole, to whom were referred House Bill No. 157, Sub. for H. B. No. 281, and 386, having recommended that they be not concurred in, and their report having been adopted by the Senate, the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 123, Sub. for 111, Sub. for 115 and 108, and 59, have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill numbered 250 has this day been amended and concurred in by the Senate and is herewith returned to the House for concurrence in such amendments.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Judiciary, to whom were referred House Bills Nos. 279 and 307, having recommended that they be not concurred in, and their report having been adopted by the Senate, the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole, to whom was referred H. B. No. 9, having recommended that it be not concurred in, and their report having been adopted by the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Conference Committee appointed by the Senate to confer with a like Committee from the House in regard to Senate amendments to H. B. No. 231, has recommended that the Senate recede from said amendment and their report has been adopted by the Senate.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 333, 379, and H. J. R. No. 8, and Sub. for H. B. 390, have this day been concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that or motion in the Senate, further consideration of H. B. No. 342 has been indefinitely postponed and the same is herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 5, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the majority report of Senate Conference Committee on H. B. No. 35, recommend that Senate recede from its amendments and minority Committee recommend that Senate insist upon its amendments. Minority report was adopted and Conference Committee discharged. Bill herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

READING OF SENATE BILLS.

S. B. No. 59, read first and second times by title only, and referred to Committee on Ways and Means.

S. B. No. 123, read first and second times by title only, and referred to Committee on State Boards and Officers.

Sub. for S. B. No. 111, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

Sub. for S. B. Nos. 115 and 108, read first and second times by title only, and referred to Committee on Fish and Game.

The following Senate amendments to House Bill No. 250 were read:

Strike out in the title, after the word "cause," the following: "Also providing for the payment of fees for inspecting coal mines and inspection of coal mine scales."

Amend Section 2 by striking out all of said section after the word "mines," in line 10.

Amend Section 3, line 13, by striking out the words "Three Thousand Dollars," and insert in lieu thereof the words "twenty-five hundred dollars."

Cut out all of Sections 9 and 10, and re-number the succeeding sections to correspond.

The above Senate amendments to House Bill No. 250 were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cummings, Cutler, Decker, Duncan, English, Gerber, Goff, Griffin, Harbordt, Hess, Longstaff, Manchester, Marshall, Maxwell, Miller of Park, Moore, Morgan, McDonald, Patten, Ross, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Towers, Walker, Weed, Wendel, Mr. Speaker.—39.

Noes.—Cluston, Farmer, Gray, Miller of Lewis and Clark, O'Connor, Root, Whiteside, Wilder, Wilham.—9.

Absent and not voting.—Barbour, Bennett of Madison, Blake, Brownlee, Cato, Corby, Fischer, Greene, Harden, Hyndman, Kirwan, Kroger, Leighton Logan, Miles, Morris, McManus, Macaulay, Potter, Powers, Selway, Shaw, Thompson of Fergus, Tudor, Warren.—25.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrolling report the following bills as correctly enrolled this 5th day of March, 1907:

House Bill No. 85. An Act making appropriations for the maintenance of the Montana State Fair and for permanent improvements on the grounds thereof, for the fiscal years ending November 30, 1907, and November 30, 1908.

House Bill No. 282. An Act approving certain duplicate bounty certificates and appropriating money for the payment thereof.

House Bill No. 314. An Act to amend Section 875 of the Political Code, as amended by Senate Bill No. 75 of the Laws of 1897, so as to increase the salary of the Clerk of the Supreme Court, and to amend Section 1716 of the Political Code, so as to increase the salary of the Superintendent of Public Instruction.

House Bill No. 388. An Act appropriating money for the payment of claim of S. A. D. Hahn for services.

House Bill No. 200. An Act to amend Chapter 45 of the Laws of 1905, entitled, "An Act to foster, develop, protect, and promote the sheep industry of the State of Montana, and to appoint a board of sheep commissioners, and appoint inspectors and deputy inspectors, and to define their duties and powers, and the duties and powers of the state veterinary surgeon in connection therewith," and to repeal an Act entitled, "An Act for the appointment of a board of sheep commissioners, and to define their powers and duties, approved March 5, 1897, and Sections 3030 to Section 3046, inclusive, of the Political Code, covering the same subject, approved February 28, 1905, by amending Sections 3, 12, 15, 16, 17, 19, 24, and 27, to read as hereinafter set forth, and by adding thereto a Section as number 32, relating to buck herds."

Mr. Speaker announced that he was about to sign House Bills Nos. 85, 282, 314, 388, 200, and signed the same in the presence of the House.

THIRD READING OF SENATE BILLS.

Senate Bill No. 112, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Cutler, Decker, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Harden, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, McDonald, Patten, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—51.

Noes.—Gray and Harbordt.—2.

Absent and not voting.—Barbour, Bennett of Madison, Blake, Corby, Duncan, Hess, Hyndman, Kirwan, Leighton, Logan, Miller of Park, Morris, McManus, Macaulay, O'Connor, Potter, Powers, Shaw, Tudor, Weed.—20.

Title agreed to.

Senate Bill No. 51, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cato, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Hyndman, Kroger,

Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Moore, McDonald, McManus, Macaulay, O'Connor, Patten, Root, Ross, Scallion, Selway, Sherman, Swindlehurst, Thompson of Fergus, Towers, Warren, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—49.

Noes.—Harbordt.—1.

Absent and not voting.—Barbour, Bennett of Madison, Blake, Brownlee, Corby, Cluston, English, Harden, Hess, Kirwan, Leighton, Logan, Miller of Park, Morgan, Morris, Potter, Powers, Seidler, Shaw, Thompson of Sanders, Tudor, Walker, Weed.—23.

Title agreed to.

Senate Bill No. 109, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Hyndman, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Root, Ross, Scallion, Seidler, Sherman, Thompson of Fergus, Towers, Tudor, Walker, Warren, Wendel, Wilham, Mr. Speaker.—53.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Blake, Corby, English, Kirwan, Kroger, Leighton, Logan, Marshall, Miller of Park, Potter, Powers, Selway, Shaw, Swindlehurst, Thompson of Sanders, Weed, Whiteside, Wilder.—20.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 409, 355, 413, correctly engrossed.

THIRD READING OF HOUSE BILLS.

House Bill No. 413, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Goff, Gray, Griffin, Harbordt, Hyndman, Kroger, Logan, Longstaff, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Morgan, McManus, O'Connor, Patten, Potter, Root, Ross, Scallion, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Wilder, Wilham, Mr. Speaker.—52.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Campbell, Gerber, Greene, Harden, Hess, Kirwan, Leighton, Miles, Miller of Park, Moore, Morris, McDonald, Macaulay, Powers, Seidler, Shaw, Warren, Weed, Whiteside.—21.

Title agreed to.

The title to House Bill No. 355, having been amended by prefixing the letters "un" before the word "collected," the bill was passed on third reading, by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Lilake, Blewett, Boorman, Brownlee, Burke, Campbell, Cluston, Decker, English, Farmer, Fischer, Goff, Gray, Harbordt, Hyndman, Kroger, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Fergus, Towers, Tudor, Walker, Wendel, Whiteside, Mr. Speaker.—46.

Noes.—Cato, Duncan, Longstaff, Warren, Wilham.—5.

Absent and not voting.—Allen, Brewster, Cameron, Corby, Cummings, Cutler, Gerber, Greene, Griffin, Harden, Hess, Kirwan, Leighton, Logan, Miller of Park, McDonald, Moore, Powers, Shaw, Thompson of Sanders, Weed, Wilder.—22.

Title agreed to.

On motion of Miller of Park, Senate Bills No. 124 and 125 were recalled from the Senate.

INTRODUCTION OF BILLS.

By unanimous consent the following bill was introduced and placed on file:

By Corby, H. B. No. 423. A Bill for an Act entitled: "An Act appropriating money for the payment of Miss Gertrude Pritchett for services.

Motion by Corby that the vote whereby Senate Bill No. 125 was indefinitely postponed be re-considered. Motion carried.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Marshall in the chair.

House resumed.

Mr. Speaker in the chair.

Marshall, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 129, introduced by Rae, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by adding the following: "and one wooden bill cabinet for the use of the House of Representatives."

Amend Section 2 by striking out in line 4 the word "seven," and inserting in lieu thereof the word "nine." Amend title by inserting after the word "inspector," the words: "and for the House of Representatives."

Report adopted.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 416, 399, 402, 348, correctly engrossed.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 85 and 61.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:
Mr. Speaker:

Your Committee of the Whole having had under consideration Senate Bill No. 122, introduced by White, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 105, introduced by Edwards, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 110, introduced by Martien, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend the title by striking out in line 4 the words "or shall have a tendency to give a less or," and inserting in lieu thereof the word "a."

Amend Section 1 by inserting in line 5, between the word "any" and "statement," the word "material." Also by inserting in line 6, between the words "is" and "false," the words "wilfully and knowingly." Also by striking out all in line 6 after the word "false," and inserting in lieu thereof the words "so as."

Amend Section 1 by striking out the words "in any way whatever, or permits to be so made or published," in lines 1 and 2 of the printed bill.

Also having had under consideration Senate Bill No. 100, introduced by Rae, reports same back to the House with the recommendation that it be not concurred in.

Also having had under consideration Senate Bill No. 118, introduced by White, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by striking out in line 6 the words "all parties," and inserting in lieu thereof the words "the creditors of the transferrer and subsequent purchasers."

Report adopted.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to submit House Bills 412, 344, 264, 391, 404, Sub. for H. B. 414, H. C. Resolution No. 3, correctly engrossed.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 6, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bill 421 has been correctly printed.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that agreeable with request by the House, Senate Bills 124 and 125 are herewith returned for further consideration.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Counties, Towns and Municipal Corporations, to whom was referred H. B. No. 156, having recommended that it be not concurred in, and their report having been adopted by the Senate, the same is herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Conference Committee on S. J. R. No. 3 having recommended that the Senate concur in House amendment thereto and their report having been adopted by the Senate, the Resolution is herewith transmitted to the House with a request that the same be returned after the House conference Committee report has been acted upon.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Mines and Mining, to whom was referred H. B. No. 179, having recommended that it be not concurred in, and their report having been adopted by the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

On motion of Shaw, the House took a recess at 12:20 until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

REPORTS OF SELECT COMMITTEES.

The following report was received:

Helena, Montana, March 6, 1907.

Mr. Speaker:

Your Conference Committee on Senate Joint Resolution No. 3 respectfully report that we have conferred with a similar Committee of the Senate and

said Committee from the Senate agreed to recommend the Senate to concur in the House amendments.

Respectfully,

CUMMINGS, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Cameron, from the Committee on State Boards and Officers, reported as follows:

March 6, 1907.

Mr. Speaker:

We, your Committee, on State Boards and Officers, to whom was referred Senate Bill No. 123, entitled "A Bill for an Act entitled, An Act to provide for the appointment of a clerk for the office of a State Mine Inspector and State Coal Mine Inspector," report as follows:

That line 4 of Section 1 be amended by striking out the word "eighteen," and inserting in lieu thereof the word "fifteen;" and as so amended we recommend the same be concurred in.

Report adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 348, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Campbell, Cameron, Cluston, Cummings, Decker, Duncan, English, Gerber, Gray, Harbordt, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Ross, Scallon, Selway, Shaw, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—46.

Noes.—None.

Absent and not voting.—Beckwith, Bennett of Madison, Blake, Burke, Cato, Corby, Cutler, Farmer, Fischer, Goff, Greene, Griffin, Harden, Hess, Kirwan, Logan, Longstaff, O'Connor, Potter, Powers, Root, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Warren.—27.

Title agreed to.

House Bill No. 416, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Decker, Duncan, English, Gerber, Gray, Harbordt, Hyndman, Kroger, Leighton, Marshall, Miller of Lewis and Clark, Moore, Morris, McDonald, Morgan, Macaulay, Patten, Ross, Scallon, Selway, Shaw, Sherman, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Mr. Speaker.—45.

Noes.—Thompson of Sanders.—1.

Absent and not voting.—Blake, Corby, Cutler, Farmer, Fischer, Goff, Greene, Griffin, Harden, Hess, Kirwan, Logan, Longstaff, Manchester, Maxwell,

Miles, Miller of Park, McManus, O'Connor, Potter, Powers, Root, Seidler, Swindlehurst, Thompson of Fergus, Whiteside, Wilham.—27.

Title agreed to.

House Bill No. 390, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Gerber, Gray, Harbordt, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Ross, Scallon, Selway, Shaw, Sherman, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Wilder, Mr. Speaker.—48.

Noes.—None.

Absent and not voting.—Blake, Brewster, Cutler, English, Farmer, Fischer, Goff, Greene, Griffin, Harden, Hess, Kirwan, Logan, Longstaff, Miles, O'Connor, Potter, Powers, Root, Seidler, Swindlehurst, Thompson of Fergus, Warren, Whiteside, Wilham.—25.

Title agreed to.

House Bill No. 402, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Fischer, Gerber, Gray, Harbordt, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Patten, Root, Ross, Seidler, Selway, Shaw, Sherman, Thompson of Sanders, Towers, Tudor, Warren, Wendel, Wilham, Mr. Speaker.—50.

Noes.—Wilder.—1.

Absent and not voting.—Burke, Cutler, English, Goff, Greene, Griffin, Harden, Hess, Kirwan, Logan, Longstaff, Miles, Macaulay, O'Connor, Potter, Powers, Scallon, Swindlehurst, Thompson of Fergus, Walker, Weed, Whiteside.—22.

Title agreed to.

House Bill No. 344, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Gray, Harbordt, Harden, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Morris, McDonald, Patten, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Wendel, Wilder, Wilham, Mr. Speaker.—49.

Noes.—None.

Absent and not voting.—Blewett, Brewster, Cutler, English, Fischer, Goff, Greene, Griffin, Hess, Kirwan, Logan, Longstaff, Miles, Miller of Park, McManus, Macaulay, O'Connor, Potter, Powers, Root, Scallon, Towers, Weed, Whiteside.—24.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Boorman reported as follows:

Mr. Speaker:

We, your Committee on House Journal, beg leave to report having examined the Journal of Monday, March 4, and believe the same to be correct to the best of our knowledge.

Report adopted.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrolling report the following bills as correctly enrolled this 6th day of March, 1907:

House Bill No. 231. An Act appropriating money for the Montana State School of Mines, located at Butte, Montana, for the erection and equipment of a boiler plant, and of a metallurgical plant for said school.

House Bill No. 315. An Act to regulate the confiscation of coal by any person, railroads and common carriers and providing penalties for the violation of this Act.

House Bill No. 393. An Act to provide for the distribution to and among the various counties entitled thereto of the money derived from forest reserves in the State of Montana, under an Act of Congress approved June 30, 1906.

Also:

Mr. Speaker:

Your Committee on Enrolling report the following bills as correctly enrolled this 6th day of March, 1907:

House Joint Memorial No. 7, relating to the policy of the Government concerning entrymen on the public lands.

House Joint Resolution No. 8, in reference to contract to be let for furnishing water for the State Capitol.

House Bill No. 162. An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals, under provisions of Sections 3005 and 3006 of the Political Code of the State of Montana.

House Bill No. 228. An Act to amend Sections 132 and 134 of the Civil Code of the State of Montana and to amend Article II, of Chapter II, of Title I, of Division I, of said Civil Code by adding thereto a section to be numbered Section 147, which Section 147 defines incompatibility of temper as cause for divorce.

House Bill No. 317. An Act to construct a fish way in Kootenai River at Kootenai Falls, Montana, and appropriating money therefor.

House Bill No. 325. An Act regulating the sale and providing for the inspection of oils used for illuminating and heating purposes, and in automobiles, establishing a standard test therefor and prescribing penalties.

House Bill No. 352. An Act providing for the submission to the electors of the State of Montana an amendment to Section 14 of Article XII of the Constitution of the State of Montana, relating to the care and management of public moneys in the hands of public officers, and providing for a state

depository board to direct the depositing of state moneys in the possession of the State Treasurer.

House Bill No. 333. An Act to amend Section 4044 of the Political Code of Montana as amended by Chapter XCII, Laws of 1903, relating to licenses.

House Bill No. 379. An Act providing an open and closed season for the killing of deer.

Sub. for House Bill No. 390. An Act appropriating money for the payment of a balance due on mileage allowed by law to Sheriffs for transporting prisoners to the state prison during the years of 1903 and 1904.

Mr. Speaker announced that he was about to sign House Joint Memorial No. 7, House Joint Resolution No. 8, and House Bills Nos. 102, 228, 317, 325, 352, 333, 393, 315, 231, and signed the same in the presence of the House.

READING OF HOUSE BILLS

The following bill was taken from the file:

H. B. No. 423, read first and second times in full, and referred to Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 391, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brownlee, Burke, Campbell, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Gray, Harbordt, Harden, Hyndman, Kroger, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—54.

Noes.—None.

Absent and not voting.—Barbour, Blewett, Brewster, Cameron, Goff, Greene, Griffin, Hess, Kirwan, Leighton, Logan, Longstaff, Miles, O'Connor, Potter, Powers, Root, Fischer, Marshall.—10.

Title agreed to.

House Bill No. 404, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Harden, Hess, Kroger, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, Patten, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Wilham, Mr. Speaker.—49.

Noes.—Gray.—1.

Absent and not voting.—Barbour, Bennett of Madison, Brewster, Fischer, Goff, Greene, Griffin, Harbordt, Hyndman, Kirwan, Leighton, Logan, Longstaff, Marshall, Miles, Morris, O'Connor, Potter, Powers, Root, Seidler, Warren, Whiteside.—23.

Title agreed to.

House Bill No. 412, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Duncan, Farmer, Gerber, Harbordt, Harden, Hyndman, Manchester, Marshall, Maxwell, Miller of Park, Morris, McDonald, Patten, Scallon, Seidler, Selway, Sherman, Thompson of Fergus, Walker, Warren, Weed, Whiteside, Wilham, Mr. Speaker.—34.

Noes.—Allen, Blake, Blewett, Boorman, Gray, Kroger, Miller of Lewis and Clark, Moore, McManus, Ross, Shaw, Thompson of Sanders.—12.

Absent and not voting.—Barbour, Brewster, Corby, Cutler, Decker, English, Fischer, Goff, Greene, Griffin, Hess, Kirwan, Leighton, Logan, Longstaff, Miles, Morgan, Macaulay, O'Connor, Potter, Powers, Root, Swindlehurst, Towers, Tudor, Wendel, Wilder.—27.

Title agreed to.

House Bill No. 264, having been read three several times, was defeated by the following vote:

Ayes.—Bennetts of Silver Bow, Blake, Cameron, Corby, Cluston, Cummings, Farmer, Marshall, Root, Scallon, Shaw, Tudor, Weed, Wendel, Wilder, Wilham, Mr. Speaker.—17.

Noes.—Allen, Beckwith, Bennett of Madison, Blewett, Boorman, Brownlee, Burke, Campbell, Decker, Duncan, Gerber, Griffin, Harbordt, Harden, Hyndman, Kroger, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, Patten, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers.—30.

Absent and not voting.—Barbour, Brewster, Cato, Cutler, English, Fischer, Goff, Greene, Gray, Hess, Kirwan, Leighton, Logan, Longstaff, Miles, Morgan, McManus, Macaulay, O'Connor, Potter, Powers, Ross, Seidler, Walker, Warren, Whiteside.—26.

Title agreed to.

Substitute for House Bill No. 414, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Manchester, Marshall, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McDonald, Macaulay, Patten, Powers, Root, Ross, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Towers, Warren, Weed, Wendel, Wilham, Mr. Speaker.—51.

Noes.—Blewett and Sherman.—2.

Absent and not voting.—Barbour, Cutler, English, Fischer, Goff, Greene, Harden, Kirwan, Logan, Longstaff, Maxwell, Morgan, McManus, O'Connor, Potter, Scallon, Seidler, Tudor, Whiteside, Wilder.—20.

Title agreed to.

House Joint Concurrent Resolution No. 3, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cato, Corby,

Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Greene, Gray, Griffin, Harbordt, Hyndman, Kroger, Leighton, Manchester, Marshall, Miles, Miller of Park, Moore, Morris, McDonald, Macaulay; Patten, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—55.

Noes.—McManus.—1.

Absent and not voting.—Barbour, Cameron, Cutler, English, Fischer, Goff, Harden, Hess, Kirwan, Logan, Longstaff, Maxwell, Miller of Lewis and Clark, Morgan, O'Connor, Potter, Scallon.—17.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bill No. 403 correctly engrossed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 120, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cato, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Gerber, Greene, Griffin, Harbordt, Hyndman, Kroger, Leighton, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Whiteside, Wilham, Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Cameron, Cutler, Fischer, Goff, Gray, Harden, Hess, Kirwan, Logan, Longstaff, McDonald, Potter, Scallon.—15.

Title agreed to.

Senate Bill No. 105, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cato, Corby, Cummings, Duncan, English, Greene, Gray, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, O'Connor, Patten, Powers, Root, Ross, Seidler, Selway, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker, Brewster.—51.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Cameron, Cluston, Cutler, Decker, Farmer, Fischer, Gerber, Goff, Griffin, Harden, Kirwan, Logan, Manchester, McDonald, Macaulay, Potter, Scallon, Shaw, Sherman, Weed.—22.

Title agreed to.

Senate Bill No. 122, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Decker, Duncan, Greene, Griffin, Harbordt, Kroger, Leighton, Hess, Hyndman, Logan, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Mr. Speaker.—50.

Noes.—Whiteside, Wilder, Wilham.—3.

Absent and not voting.—Barbour, Bennett of Madison, Corby, Cutler, English, Farmer, Fischer, Gerber, Goff, Gray, Harden, Kirwan, McDonald, Macaulay, Potter, Shaw, Sherman, Swindlehurst, Tudor, Warren.—20.

Title agreed to.

Senate Bill No. 110, having been read three several times, was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Leighton, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, O'Connor, Patten, Root, Ross, Scallon, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Barbour, Cutler, Gerber, Harden, Kirwan, Kroger, Logan, Longstaff, Marshall, Miles, McDonald, Macaulay, Potter, Powers, Selway.—15.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 291, Sub. for 10, have this day been concurred in as amended by the Senate, and are herewith returned to the House for its concurrence in such amendment by the Senate, and are herewith returned to the House for its concurrence in such amendment.

Respectfully,

C. E. WIGHT, Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 403, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hyndman, Kroger, Longstaff, Manchester, Mar-

shall, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—59.

Noes.—None.

Absent and not voting.—Allen, Barbour, Cato, Griffin, Harden, Hess, Kirwan, Leighton, Logan, Miles, McDonald, Potter, Scallon, Selway.—14.

Title agreed to.

The following Senate amendments to House Bill No. 291 were read:

Amend title by striking out the following words in line 2 of the title: "Maintain telephone in its office," and in lieu thereof insert the following: "permit the installation of telephones in their offices."

Amend Section 1 by striking out in lines 4 and 5 the following: "or at any place where telephone connection may be had on reasonably moderate terms."

In line 5 of Section 1 strike out the word "all," and in lieu thereof insert the word "each."

In line 6 of Section 1, strike out the word "Exchanges", and insert in lieu thereof the word "exchange".

Amend Section 1 by inserting after the word "hours," in line 13 the following: "Provided, however, that such railroad, telegraph and express companies shall not, in the absence of an agreement to that effect, be required to bear the expenses incidental to the installation of said telephones, or to any charges for the use thereof".

In line 16, Section 1, strike out the word "or" after the word "passenger". and insert a comma in line thereof; and after the word "freight," in said line, insert "or telegraph".

The above Senate amendments to House Bill No. 291 were concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Longstaff, Manchester, Marshall, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, Macaulay, O'Connor, Patten, Powers, Root, Seidler, Shaw, Sherman, Thompson of Sander, Thompson of Fergus, Towers, Tudor, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—58.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Griffin, Kirwan, Leighton, Logan, Moore, McDonald, McManus, Potter, Ross, Scallon, Selway, Swindlehurst, Walker.—15.

The following Senate amendments to Substitute for House Bill No. 10 were read:

Amend Section 2 by striking out in lines 32 and 33 the words "two hundred and fifty" and inserting in lieu thereof the words "five hundred".

Strike out the words "April 1st, 1907", on last line of the bill, and insert in lieu thereof the words "January 1st, 1908".

Amend Section 5 by striking out in lines 47 and 48 the following: "January 1st, 1908", and inserting in lieu thereof the words "July 15, 1907".

The above Senate amendments to Substitute for House Bill No. 10 were concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett Boorman, Brewster, Brownlee, Campbell, Cameron, Cato, Corby, Clus-ton, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Harden, Hess, Hyndman, Kroger, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, Patten, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, White-side, Wilder, Wilham, Mr. Speaker.—55.

Noes.—Burke, Longstaff and Fischer.—3.

Absent and not voting.—Allen, Barbour, Griffin, Kirwan, Leighton, Logan, Marshall, Miles, McDonald, McManus, O'Connor, Potter, Powers, Scallon, Selway.—15.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bills numbered 128 and 130 have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Committee on Finance and Claims, to whom was referred H. B. No. 207, having recommended that it be not concurred in, and their report having been adopted by the Senate, the same is herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in the House amendments to Senate Bill No. 112, and the same has been referred to the Committee on Enrolled Bills.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Committee on Finance and Claims, to whom was referred House Bills Nos. 336, 353, 405, and Sub. for 316, having recommended that they be not con-

curred in, and their report having been adopted by the Senate, the same are herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 166, 305 and 376, have been concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bill numbered 131 has this day been passed by the Senate and is herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

READING OF SENATE BILLS.

S. B. No. 128, read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 130, read first and second times by title only, and referred to Committee on Fish and Game.

S. B. No. 131, read first and second times by title only and referred to Committee on Sanitary Affairs.

REPORTS OF STANDING COMMITTEES.

Logan, from the Committee on Fish and Game, reported as follows:

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration Substitute for Senate Bills numbered 115 and 108, A Bill for an Act entitled, "An Act permitting residents of Montana to fish without a license; and regulating the fishing license for non-residents; permitting forestry officers to secure a resident's hunting license; providing for the State Auditor to furnish license blanks and providing additional duties for the State Game and Fish Warden and Special Deputy Game and Fish Wardens," report the same back amended as follows:

Add a new section to be known as Section nine, which shall read as follows: "Section 9. The State Game and Fish Warden is hereby authorized and empowered to create four additional game and fish districts and to appoint and employ four additional Special Deputy Game and Fish Wardens, whose duties and compensation shall be the same as is already provided for in House Bill No. 147, Session Laws of 1901; such appointments may be made by the State Game and Fish Warden at any time as in his judgment the needs of the State may require."

And by renumbering the present Sections as follows: Section 9 to be numbered Section 10; Section 10 to be numbered Section 11; Section 11 to

be numbered as Section 12. And that the bill as amended be concurred in."

Report adopted.

Hyndman, from the Committee on Fairs and Expositions, reported as follows:

March 6, 1907.

Mr. Speaker:

We, your Committee on Fairs and Expositions, having had under consideration Senate Bill No. 99, being a Bill for an Act to amend Chapter 96 of the Acts of 1903 providing for the establishment of the Montana State Fair and for the appointment of a board of directors, executive officers and for the conduct and management thereof, beg leave to report the same back with the recommendation that the same do pass".

Report adopted.

Allen, from the Committee on Ways and Means, reported as follows:

March 6, 1907.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred H. B. No. 407, A Bill for an Act entitled, "An Act authorizing and directing the transfer of certain moneys from the Fish and Game fund to the General fund, and appropriating the money so transferred to pay for a grandstand and make additional improvements at the State Fair Grounds", have had the same under consideration and recommend that it be indefinitely postponed.

Report adopted.

March 6, 1907.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred Senate Bill No. 59, A Bill for an Act entitled, "An Act to provide for the establishment of a home for the infirm pioneers of the State of Montana, to be erected on the Site of the State Soldiers Home, and to provide for the care and maintenance of such infirm pioneers, and appropriating money for such purpose", have had same under consideration and recommend that it be not concurred in.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

Executive Office, Helena, Montana

March 6, 1907.

To the Speaker of the House of Representatives,

Helena, Montana.

The following House Bills have been approved and deposited with the Secretary of State:

No. 128. An Act prohibiting the employment of children in certain occupations under the age of sixteen years, providing for the registration of the ages of all children, issuance of an age certificate and the disposition of the same. Forbidding the employment of children in certain occupations without such certificate; providing for the enforcement of the provisions of this act, and providing penalties for the violation of the provisions thereof.

Sub. for No. 50. An Act to prohibit the sale of liquors and the erection or keeping of saloons outside of the corporate limits of cities and towns, and in the vicinity of cemeteries or within one-half mile of parks to which the public is admitted free of charge, and in which the sale of malt, vinous, spiritous and other intoxicating liquors is not allowed and is not carried on.

H. J. M. No. 2. To authorize the Secretary of State to make exchange of the Codes of Montana.

No. 43. An Act appropriating money for the completing, furnishing and equipping of the building for the feeble-minded at the Montana School for the Deaf and Blind at Boulder, Montana, etc.

No. 182. An Act to establish a state board of health, etc.

No. 302. An Act to amend Section 2097 of the Penal Code of the State of Montana, relating to trials in criminal cases.

No. 160. An Act to amend Section 1 of an Act providing for the payment of the indebtedness and expense hereafter incurred by cities, the indebtedness of which exceeds the limit provided in Section 6, Article XIII of the Constitution of the State of Montana, and further providing for the levy and collecting of taxes for such purpose", approved Feb. 24, 1903.

No. 270. An Act prohibiting the use of firearms by children under the age of fourteen years.

No. 253. An Act defining the crime of burglary with explosives and fixing punishment therefor.

No. 96. An Act to amend Sections 1, 2, 3, 4 and 5, of an Act of the Eighth Legislative Assembly entitled "An Act to appoint the entomologist of the experiment station, state entomologist, and appropriate money to pay his traveling expenses.

No. 192. An Act to amend Section 606 of the Political Code of the State of Montana, relating to the practice of medicine or surgery contrary to law, providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of medicine or surgery.

No. 277. An Act to amend Sections 1 and 8 of Article 5 of Chapter 106 of the Laws of 1905, and providing for the payment of interest on cost of constructing drains where payment is extended for more than one year.

No. 153. An Act to amend Section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners, etc.

No. 108. An Act to amend paragraph 3 of Section 1830, Chapter 6, Article 6, Part 3, of Title 3, of the Political Code of the State of Montana, as amended by an Act of the Legislature, approved March 14, 1901, relating to the taking of the school census.

H. J. M. No. 4. Relating to incorporation by the general government within forest reserves of vast areas within this State, etc.

Sub. for House Bills 19 and 44. An Act to authorize the construction, furnishing and equipment of a hospital building, including plumbing and architect fees, at the Montana Soldiers' Home at Columbia Falls, etc.

No. 261. An Act to amend Sections 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490 and 2491, Chapter 4, Part 2, of the Criminal Code of Montana, relating to the examination of witnesses conditionally.

Sub. for H. B. 259. An Act to amend Chapter 50 of the Session Laws of the year 1905, State of Montana, * * * and to provide further the number of hours labor which shall constitute a day's labor for the washing or reducing or the treating of coal.

No. 183. An Act approving bounty claim of Stockmen's National Bank of Fort Benton, Montana, and providing for the payment thereof.

No. 313. An Act to amend Section 607 of the Political Code of the State of Montana, relating to the fees of candidates for examination for license to practice medicine and surgery in the State of Montana, and application thereof.

No. 293. An Act to amend Sections 8 and 12 of Chapter 51 of the Laws of 1905, relating to the practice of osteopathy contrary to law, etc.

No. 85. An Act making appropriations for the maintenance of the Montana State Fair and for permanent improvements on the grounds thereof for the fiscal years ending Nov. 30, 1907, and Nov. 30, 1908.

No. 185. An Act regarding gambling, etc.

No. 314. An Act to amend Section 875 of the Political Code, as amended by Senate Bill No. 75 of the Laws of 1897, so as to increase the salary of the Clerk of the Supreme Court, and to amend Section 1716 of the Political Code, so as to increase the salary of the Superintendent of Public Instruction.

No. 282. An Act approving certain duplicate bounty certificates and appropriating money for the payment thereof.

No. 301. An Act appropriating money for the payment of the claim of certain sheriffs of the State of Montana for expenses incurred in transporting prisoners to the penitentiary during the years 1905 and 1906.

No. 365. An Act authorizing and empowering Carey Land Act Board to secure cancellation of bonds issued for the reclamation of arid lands, etc.

No. 387. An Act appropriating money for the payment of certain claims for expenses incurred by the committee appointed to investigate the car and coal shortage in Montana.

No. 388. An Act appropriating money for the payment of claim of S. A. D Hahn, for services.

J. K. TOOLE, Governor

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Miller of Park in the chair.

House resumed.

Mr Speaker in the chair.

Miller of Park, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute for Senate Bills Nos 115 and 108, introduced by Miles and Harper, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Substitute for Senate Bill No. 113, introduced by Committee on Fish and Game, reports same back to the

House with the recommendation that it be concurred in as amended, as follows:

Amend Section 3 by striking out in line 12 the words and figures "\$900.00 Nine Hundred", and inserting in lieu thereof the words and figures "\$1200.00 Twelve Hundred".

Also having had under consideration Senate Bill No. 66, introduced by Long, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend the title by striking out the words "coppensation and", and inserting after the word "duties," the words "and the payment of the expenses incurred".

Amend Sections 2 and 3 by striking out all of said Sections and inserting in lieu thereof the following: Section 2. That all of the Deputy State Game and Fish Wardens shall be deputy fire wardens to serve without extra salary and that said State Fire Warden and deputies shall, under such rules and regulations as the State Board of Land Commissioners shall provide, protect the timber of the state, and especially the timber owned by the State, from destruction by fire, and for such purpose in emergencies may employ men and incur other expenses when necessary, and such Fire Warden and deputies shall have power and authority to make arrests of any person or persons who may violate any of the laws of this state relating to prairie or forest fires.

Amend by striking out all of Section 4 and inserting in lieu thereof the following: "Section 3. That the actual expenses and expenditures of said Fire Warden and deputies necessarily incurred under this Act shall be paid in the same manner as other expenses incurred in managing the state lands and State Auditor is hereby authorized to draw his warrants for such expenses and expenditures and the State Treasurer is hereby directed to pay the same."

Also having had under consideration Senate Bill No. 102, introduced by Haviland, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 2 by striking out in lines 7 and 8 all down to the word "they" in line 8.

Also having had under consideration Senate Bill No. 124, introduced by Committee on Finance and Claims, reports same back to the House with the recommendation that it be concurred in.

Report adopted.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 51, 112 and 109, and signed the same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Miller of Park, from the Committee on Education, reported as follows:

March 6, 1907.

Mr. Speaker:

Your Committee on Education, to whom was referred House Concurrent Resolution No. 6, introduced by Whiteside by request, report same back with the recommendation that it be passed.

Report adopted.

On motion of Whiteside, House Concurrent Resolution No. 6 was referred to Steering Committee.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bill 422 has been correctly printed.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

O'Connor in the chair.

House resumed.

Mr Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill 422, introduced by Committee on Appropriations, reports same back to the House with the recommendation that it do pass.

Report adopted.

On motion by Bennett, House Bill No. 422 was considered correctly engrossed and placed on third reading.

THIRD READING OF HOUSE BILLS.

House Bill No. 422, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Hess, Hyndman, Longstaff, Manchester, Maxwell, Miles, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, O'Connor, Patten, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Weed, Wendel, Whiteside, Wilder. Mr. Speaker.—56.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, Cameron, English, Harbordt, Harden, Kirwan, Kroger, Leighton, Logan, Marshall, Miller of Lewis and Clark, Macaulay, Potter, Tudor, Warren, Wilham.—17.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

O'Connor in the chair.

House resumed.

Mr Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 257, introduced by Allen, reports same back to the House with the recommendation that it do pass.

Report adopted.

On motion by Allen, House Bill No. 257 was considered correctly engrossed and placed on third reading.

THIRD READING OF HOUSE BILLS.

House Bill No. 257, introduced by Allen. A Bill for an Act entitled, An Act for the submitting to the qualified electors of the State of Montana, an amendment to Article 12 of the Constitution of the State of Montana, relating to the revenue and taxation, and providing for an increase in the tax levy.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified voters of the State of Montana, at the next general election, the following amendment to Section 9, Article XII, of the Constitution of the State of Montana; That Section 9, Article XII, of the Constitution be, and the same is, hereby amended to read as follows:

"Section 9. The rate of taxation of real and personal property for state purposes, in any one year, shall never exceed Three (3) mills on each Dollar of valuation, and whenever the taxable property in this state shall amount to Five Hundred Million Dollars (\$500,000,000.00), the rate shall not exceed Two and One-half mills (2 1-2) on each Dollar of valuation, and whenever the taxable property in this state shall amount to Eight Hundred Million Dollars (\$800,000,000.00), the rate shall never exceed Two (2) mills on each Dollar of valuation. unless the proposition to increase such rate, specifying the rate proposed and the time during which the rate shall be levied, shall have been submitted to the people at the general election and shall have received a majority of all votes cast for and against it at such election.

Section 2. Separate official ballots shall be used at the general election to be held in November, 1908, which shall have thereon the words: "For the amendment to the Constitution providing for an increase in Tax Levy"; and the words: "Against the amendment to the Constitution providing for an increase in Tax Levy".

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force and effect from and after its passage and approval.

House Bill No. 257, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennett of Madison, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cato, Corby, Decker, Farmer, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Manchester, Maxwell, Miles, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Ross, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Mr. Speaker.—45.

Noes.—McManus and Scallon.—2.

Absent and not voting.—Barbour, Beckwith, Bennetts of Silver Bow, Brewster, Cameron, Cluston, Cutler, Duncan, English, Fischer, Greene, Harden, Kirwan, Leighton, Logan, Longstaff, Marshall, Miller of Lewis and Clark,

Potter, Powers, Root, Ross, Seidler, Warren, Whiteside, Wilham, Cummings—26.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

O'Connor in the chair.

House resumed.

Mr Speaker in the chair.

O'Connor, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 125, introduced by Edwards, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 419, introduced by Shaw, by request, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 371, introduced by Griffin, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 2, line 8, by adding after the word "premises" the following: "or along or at the head of any irrigating ditch owned by himself".

Amend Section 2 by striking out in line 11 the word "trap", after the word "to", and inserting in lieu thereof the words "do the trapping".

Also having had under consideration House Bill No. 319, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 318, introduced by Judiciary Committee, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 418, introduced by Committee on Ways and Means, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 415, introduced by Blake, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by striking out the word "by" and inserting in lieu thereof the word "to".

Also having had under consideration House Bill No. 278, introduced by Scallon, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 54, introduced by Marshall, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 3 by striking out all of Section 3 after the word "granted", in line 33, and inserting in lieu thereof the following: "at a time and place designated by such board or at a regular meeting of such board said applicant shall submit to an examination in the branches usually taught in veterinary schools in the United States".

Add at the end of Section 5 the following: "the board shall provide

rules for the conduct of the profession and shall define what constitutes unprofessional, dishonorable or immoral conduct. Such rules and definitions must be provided before any charge can be presented against any practitioner".

Amend Section 7 by adding thereto the following: "nor to licensed veterinarians practicing in any county in the state other than the county in which such veterinarian has his office".

Amend Section 12 by adding at the end of the Section the following words: "Provided, that the provisions of this Act shall not apply to cases of emergency, nor to outlying districts more than ten miles from the office of a licensed veterinarian".

Amend Section 13 by striking out all of said Section.

Amend Section 14, by striking out in line 119, the words "has been," and insert in lieu thereof the word "is"; and strike out in lines 119 and 120 the words "successful and constant"; also strike out in lines 121, 122, 123 and 124, the words "for ten years preceding the second Tuesday in April, 1907, shall only be subjected to a practical examination, and if such applicant give satisfactory evidence to the State Board of Veterinary Medical Examiners, that he possesses sufficient practical knowledge to treat the common diseases of domestic animals, then", and insert in lieu thereof the following: "at the time this bill takes effect, but such person, if desirous of continuing such practice, shall make and file an affidavit of the State Board of Veterinary Medical Examiners within ninety days, after this bill becomes a law, and upon receipt of such affidavit".

Amend lines 125 and 126 by striking out the words "non-graduate applicant a special" and the words "so stating such fact and", also striking out the word "applicant" in said line 126, making said lines 125 and 126 to read as follows: "Medical Examiners shall issue to such person upon his paying to said board a fee of Twenty Dollars, a certificate permitting such person to practice veterinary medicine within the state of Montana."

Also having had under consideration House Bill No. 420, introduced by Miller of Park by request, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out sub-divisions 1 and 2, lines 3, 4 and 5.

Also having had under consideration House Bill No. 421, introduced by Campbell, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 11, introduced by Blake, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by striking out the figure "5", in 1905, and inserting in lieu thereof the figure "3".

Amend Section 2 by striking out in line 24 the words "on the first Monday", and inserting in lieu thereof the words "at the first regular meeting".

Report adopted.

The House adjourned at 6:45 P. M.

CHAS. B. GIBBS, Chief Clerk.

E. W. KING, Speaker.

SIXTIETH DAY

Thursday, March 7, 1907.

House met pursuant to adjournment at 10 A. M.

Mr Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Cutler, Hyndman, Kirwan, Logan, Marshall, Marshall excused.

REPORTS OF STANDING COMMITTEES.

Boorman reported as follows:

Mr. Speaker:

We, your Committee on House Journal beg leave to report having examined the Journal of Tuesday, March 5, and believe the same to be correct to the best of our knowledge.

Report adopted.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bills No. 318, 319, 415, 418, 419, and Sub. for H. B. 371 correctly engrossed.

Scallon, from the Judiciary Committee, reported as follows:

Helena, Montana, March 7, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 117, entitled "A Bill for an Act entitled 'An Act to prohibit the use of trust company and savings bank titles unless the company using such title is incorporated under the trust deposit and security and savings bank corporation laws of Montana,'" recommend that said bill be concurred in.

Report adopted.

Also:

Helena, Montana, March 6th, 1907.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 128, entitled "A Bill for an Act to procure a uniform system of indexing and cross-indexing the session laws of the State of Montana", recommend that said bill be concurred in.

Report adopted.

Logan, from the Committee on Fish and Game, reported as follows:

Helena, Montana, March 6th, 1907.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration Senate Bill No. 130, entitled, "An Act to amend Section 15 of Chapter XI of the Laws of 1903, relating to the licensing of taxidermists", report the same back with the recommendation that it be concurred in.

Report adopted.

COMMUNICATIONS AND PETITIONS.

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 89, 151, 296 have this day been concurred in as amended by the Senate and are herewith returned to the House for its concurrence in such amendment

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 208, 367, 369 have this day been concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has this day concurred in House amendments to Senate Bills numbered 110 and 129 and the same have been referred to Committee on Enrolled Bills.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 6th, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bills numbered 133 and 134 have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

READING OF SENATE BILLS.

S. B. No. 134, read first and second times by title only and referred to Committee on Judiciary.

S. B. No. 133, read first and second times by title only and referred to Committee on Judiciary.

Motion by Scallon that the House consider Senate amendments to House Bill No. 151. Motion carried.

The following Senate amendments to House Bill No. 151 were read:

Amend Section 1 by striking out in line 2 the word "partitions".

Amend Section 1, line 2 of the printed bill by inserting the word "movable" before the word "partitions" and by inserting in line 6 the word "movable" before the word "obstruction", where the said word first appears in said line.

Strike out all of Section 2.

Amend Section 3, line 12, by striking out the figure "3" and inserting in lieu thereof the figure "2"; and to renumber the remaining Sections to correspond thereto.

Amend Section 3 by inserting after the word "offense" in line 21 thereof the following: "Provided this Act shall not apply to or affect any places of amusement where theatrical exhibitions are given".

Amend Section 5 by inserting in line 31 after the word "whatsoever" the following: "Provided that this Act shall in nowise apply to or affect any hotel, in which a bar is maintained".

Strike out all of Section 7.

Amend Section 8 by inserting after the word "parties" the following: "This shall have no application to or in anywise affect any hotel, in which a bar is maintained".

Amend Section 10 by striking out all of said Section and to renumber the succeeding Sections to correspond thereto.

Amend Section 11, by inserting after the word "investigation", in line 68, the following: "and the person so testifying may plead or prove the giving of any testimony accordingly in bar of such prosecution, penalty or forfeiture".

Amend Section 12 by striking out lines 90, 91, 92, 93 and 94 thereof.

The above Senate amendments to House Bill No. 151 were not concurred in by the following vote:

Ayes.—None.

Noes.—Allen, Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cato, Cluston, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Kroger, Leighton, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—60.

Absent and not voting.—Beckwith, Brownlee, Corby, Cummings, Cutler, Hyndman, Kirwan, Logan, Marshall, Root, Thompson of Fergus, Warren, Weed.—13.

Motion by Scallon that the Chair appoint a conference committee to confer with a like committee from the Senate in regard to House Bill No. 151. Motion carried, and Mr. Speaker appointed Scallon, Campbell and Swindlehurst as such Committee.

THIRD READING OF SENATE BILLS.

Senate Bill No. 66, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Barbour, Bennett of Madison, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cato, Cluston, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Kroger, Leighton, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, Potter, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Walker, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—51.

Noes.—McManus and Warren.—2.

Absent and not voting.—Bennetts of Silver Bow, Brownlee, Corby, Cutler, Cummings, Fischer, Hyndman, Kirwan, Logan, Longstaff, Marshall,

O'Connor, Patten, Scallon, Selway, Thompson of Fergus, Towers, Tudor, Weed, King.—20.

Title agreed to.

Senate Bill No. 102, having been read three several times, was not concurred in by the following vote:

Ayes.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Burke, Campbell, English, Farmer, Fischer, Hess, McDonald, McManus, Root, Scallon, Shaw, Swindlehurst, Walker, Warren, Wendel.—19.

Noes.—Blewett, Boorman, Brewster, Cameron, Cato, Cluston, Cummings, Decker, Goff, Greene, Gray, Griffin, Harbordt, Hyndman, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Potter, Ross, Seidler, Selway, Thompson of Sanders, Towers, Tudor, Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—37.

Absent and not voting.—Beckwith, Brownlee, Corby, Cutler, Duncan, Gerber, Harden, King, Kirwan, Leighton, Logan, Marshall, Miller of Park, Powers, Sherman, Thompson of Fergus, Weed.—17.

Substitute for Senate Bill No. 113, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Bennetts of Silver Bow, Blake, Blewett, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Hess, Leighton, Longstaff, Manchester, Miles, Miller of Park, Morgan, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Wendel, Whiteside, Wilder, Wilham, and Mr. Speaker pro tem.—46.

Noes.—Beckwith, Bennett of Madison, Boorman, Gray, Harbordt, Harden, Kroger, Miller of Lewis and Clark, Moore, Morris, Warren.—11.

Absent and not voting.—Brewster, Brownlee, Corby, Cutler, Griffin, Hyndman, King, Kirwan, Logan, Tudor, Marshall, Maxwell, Powers, Thompson of Fergus, Walker, Weed.—16.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrolling report the following bills as correctly enrolled this 6th day of March, 1907:

House Bill No. 267. An Act providing for the establishment of wash houses at coal mines and providing penalties for failure to comply with the same.

House Bill No. 309. An Act regarding the organization, management, control and discipline of the police departments of cities and towns, and providing for an examining and trial board in connection therewith; for the appointment of members of the department, and relating to the compensation of members of the department, and to other matters connected therewith.

House Bill No. 250. An Act to amend an Act approved March 18, 1901, entitled, "An Act creating the office of inspector of coal mines, defining his

duties, and providing for his salary and providing penalties for the violation thereof," creating the office of coal mine inspector, and making the coal mine inspector ex-officio the sealer of weights and measures, for coal mines, and providing for his removal from office for cause; also defining the duties of said coal mine inspector, providing for his salary, and providing penalties for the violation thereof.

House Bill No. 305. An Act to provide for an additional judge for the Fourth Judicial District, so that there will hereafter be two judges in said District, one of whom shall keep his Chambers at the town of Hamilton, Ravalli County.

House Bill No. 376. An Act appropriating money from the general fund to be placed to the credit of the stock indemnity fund."

Mr. Speaker announced that he was about to sign House Bills Nos. 267, 309, 250, 305, 376, and signed the same in the presence of the House.

THIRD READING OF SENATE BILLS.

Substitute for Senate Bills Nos. 115 and 108, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hess, Kroger, Leighton, Longstaff, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Swindlehurst, Tudor, Wendel, Whiteside, Wilham, Mr. Speaker pro tem.—54.

Noes.—None.

Absent and not voting.—Brownlee, Cutler, Fischer, Hyndman, King, Kirwan, Logan, Manchester, Marshall, Miles, Powers, Sherman, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Wilder.—19.

Title agreed to.

Senate Bill No. 124, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Burke, Campbell, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Longstaff, Manchester, Miles, Miller of Lewis and Clark, Moore, Morgan, McDonald, O'Connor, Patten, Potter, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Weed, Wendel, Wilder, Wilham, Mr. Speaker pro tem.—48.

Noes.—None.

Absent and not voting.—Blake, Blewett, Cameron, Cutler, English, Fischer, Harden, Hyndman, King, Kirwan, Kroger, Leighton, Logan, Marshall, Maxwell, Miller of Park, Morris, McManus, Macaulay, Powers, Scallon, Thompson of Fergus, Walker, Warren, Whiteside.—25.

Title agreed to.

Senate Bill No. 125, having been read three several times, was not concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Burke, Campbell,

Cato, Corby, Cluston, Cummings, Duncan, Farmer, Goff, Griffin, Hess, Longstaff, Maxwell, Miles, McDonald, McManus, O'Connor, Shaw, Sherman, Warren, Wilham, Mr. Speaker pro tem.—25.

Noes.—Bennett of Madison, Blewett, Boorman, Brewster, Decker, Gerber, Greene, Gray, Harbordt, Kroger, Manchester, Miller of Lewis and Clark, Miller of Park, Moore, Morris, Morgan, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Thompson of Sanders, Towers, Wendel, Wilder.—27.

Absent and not voting.—Blake, Brownlee, Cameron, Cutler, English, Fischer, Harden, Hyndman, King, Kirwan, Leighton, Logan, Marshall, Macaulay, Powers, Swindlehurst, Tudor, Walker, Weed, Whiteside, Thompson of Fergus.—21.

The title to Senate Bill No. 118, having been amended by adding thereto the following: "and to repeal Section 574 of the Civil Code of Montana," was then read third time and concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Campbell, Cato, Cummings, Decker, Gerber, Goff, Gray, Griffin, Harden, Hess, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Seidler, Selway, Shaw, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Mr. Speaker pro tem.—42.

Noes.—Burke, Cluston, Duncan, Longstaff, Sherman, Warren, Wilder, Wilham.—8.

Absent and not voting.—Blewett, Cameron, Corby, Cutler, English, Farmer, Fischer, Greene, Harbordt, Hyndman, King, Kirwan, Kroger, Leighton, Logan, Marshall, Miles, McDonald, Macaulay, Thompson of Fergus, Powers, Weed, Whiteside.—23.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 420, 421, correctly engrossed.

Barbour, from the Committee on Sanitary Affairs, reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred Senate Bill No. 131, being a Bill for an Act entitled, "An Act relating to the prevention of pollution of public water supplies used for domestic purposes; authorizing the adoption and promulgation by the state board of health of orders, rules, and regulations for such purposes; providing for appeals to the District Court from any orders of said board and giving jurisdiction in equity to the District Court to enforce orders, rules and regulations of said board; authorizing the establishment and maintenance of an experimental station, and providing penalties," having had the same under consideration, respectfully report it back with the recommendation that it be concurred in.

Report adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 318, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Campbell, Cameron, Cato, Cluston, Decker, Duncan, Farmer, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilham, Mr. Speaker pro tem.—48.

Noes.—None.

Absent and not voting.—Bennett of Madison, Blake, Blewett, Burke, Corby, Cummings, Cutler, English, Fischer, Greene, Harden, Hyndman, King, Kirwan, Leighton, Logan, Marshall, Moore, McDonald, O'Connor, Potter, Powers, Warren, Whiteside, Wilder.—25.

Title agreed to.

House Bill No. 319, having been read three several times, was passed the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Park, Moore, Morgan, Morris, Macaulay, Patten, Potter, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Wilder, Mr. Speaker pro tem.—51.

Noes.—None.

Absent and not voting.—Barbour, Blake, Brewster, Cutler, English, Fischer, Harden, Hyndman, King, Kirwan, Leighton, Logan, Marshall, Miller of Lewis and Clark, McDonald, McManus, O'Connor, Powers, Seidler, Warren, Whiteside, Wilham.—22.

Title agreed to.

House Bill No. 371, having been read three several times, was passed by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Greene, Gray, Griffin, Harbordt, Harden, Hess, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Patten, Potter, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker pro tem.—50.

Noes.—Gerber, Macaulay, Warren.—3.

Absent and not voting.—Barbour, Blake, Brewster, Cutler, Fischer, Goff, Hyndman, King, Kirwan, Kroger, Leighton, Logan, Marshall, McDonald, McManus, O'Connor, Powers, Seidler, Towers, Weed.—20.

Title agreed to.

House Bill No. 415, having been read three several times, was passed by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Duncan, Decker, Farmer, Gerber, Gray, Griffin, Harbordt, Harden, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McManus, Macaulay, Potter, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Corby, Cutler, English, Fischer, Goff, Greene, Hess, Hyndman, Kirwan, Kroger, Leighton, Logan, Marshall, Morgan, McDonald, O'Connor, Patten, Powers, Seidler, Warren.—22.

Title agreed to.

House Bill No. 418, having been amended by inserting the figures "3016" in the title and in Section 1, the bill was then read third time and passed by the following vote:

Ayes.—Allen, Barbour, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Decker, Duncan, Farmer, Gerber, Goff, Gray, Griffin, Harbordt, Harden, Hess, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morris, McDonald, McManus, Macaulay, Patten, Potter, Root, Ross, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Weed, Wendel, Wilham, Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Beckwith, Blake, Cummings, Cutler, English, Fischer, Greene, Hyndman, Kirwan, Leighton, Logan, Marshall, Miller of Park, Morgan, O'Connor, Powers, Seidler, Tudor, Walker, Warren, Whiteside, Wilder.—22.

House Bill No. 419, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Campbell, Cameron, Corby, Cluston, Decker, Farmer, Fischer, Goff, Gray, Griffin, Harbordt, Harden, Hess, Kroger, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, Macaulay, Patten, Ross, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Wilder, Wilham, Mr. Speaker.—45.

Noes.—Boorman, Duncan, McManus, Potter, Seidler.—5.

Absent and not voting.—Allen, Burke, Cato, Cummings, Cutler, English, Gerber, Greene, Hyndman, Kirwan, Leighton, Logan, Longstaff, Marshall, Miller of Park, McDonald, O'Connor, Powers, Root, Scallon, Walker, Warren, Whiteside.—23.

Title agreed to.

The following Senate amendment to House Bill No. 80 was read:

Strike out the words "or quits the employment, or the employment otherwise comes to an end," at the end of Section 1.

The above Senate amendment to House Bill No. 89 was concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Decker, Duncan, Fischer, Gerber, Goff, Griffin, Harbordt, Harden, Hess, Kroger, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, Macaulay, Patten, Powers, Root, Ross, Selway, Walker, Weed, Wendel, Wilham, Mr. Speaker.—40.

Noes.—Cluston, Longstaff, McDonald, Scallon, Sherman, and Whiteside.—6.

Absent and not voting.—Allen, Barbour, Blewett, Cummings, Cutler, English, Farmer, Greene, Gray, Hyndman, Kirwan, Leighton, Logan, Marshall, Morgan, McManus, O'Connor, Potter, Seidler, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Warren, Wilder.—27.

The following Senate amendment to House Bill No. 296 was read:

Amend Section 496, after the words "one first assistant at a salary of," striking out the words, "eighteen hundred," and inserting in lieu thereof the words "twenty-one hundred."

The above Senate amendment to House Bill No. 296 was concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Gerber, Goff, Gray, Harbordt, Hess, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Park, Moore, Morgan, McDonald, Macaulay, Patten, Root, Scallon, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—50.

Noes.—None.

Absent and not voting.—Brewster, Cutler, English, Fischer, Greene, Griffin, Harden, Hyndman, Kirwan, Leighton, Logan, Marshall, Miller of Lewis and Clark, Morris, McManus, O'Connor, Potter, Powers, Ross, Seidler, Thompson of Fergus, Tudor, Warren.—23.

THIRD READING OF HOUSE BILLS.

House Bill No. 420, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, Farmer, Fischer, Goff, Gray, Harbordt, Hess, Kroger, Leighton, Longstaff, Manchester, Maxwell, Miles, Morgan, McDonald, McManus, Macaulay, Patten, Potter, Root, Scallon, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—51.

Noes.—None.

Absent and not voting.—Cutler, English, Gerber, Greene, Griffin, Harden, Hyndman, Kirwan, Logan, Marshall, Miller of Lewis and Clark, Miller of Park, Moore, Morris, O'Connor, Powers, Ross, Seidler, Selway, Thompson of Fergus, Tudor, Warren.—22.

Title agreed to.

House Bill No. 421, having been read three several times, was defeated by the following vote:

Ayes.—Allen, Barbour, Bennetts of Silver Bow, Blake, Brewster, Burke, Campbell, Cameron, Cato, Corby, Farmer, Hess, Kroger, Leighton, McDonald, Macaulay, Ross, Scallon, Seidler, Shaw, Swindlehurst, Towers, Walker, Weed, Wendel, Morgan, Mr. Speaker.—27.

Noes.—Beckwith, Bennett of Madison, Blewett, Boorman, Brownlee, Cluston, Cummings, Decker, Duncan, Fischer, Gerber, Goff, Gray, Griffin, Harbordt, Harden, Longstaff, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morris, McManus, O'Connor, Patten, Potter, Powers, Root, Selway, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, White-side, Wilder, Wilham.—38.

Absent and not voting.—Cutler, English, Greene, Hyndman, Kirwan, Logan, Manchester, Marshall.—8.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

We, your Committee on Enrollment, report as correctly enrolled this 7th day of March, 1907:

Substitute for House Bill No. 10. An Act to amend Sections 443 and 449 of the Political Code of Montana, and to provide further regulations for the safe keeping and management of public funds in the hands of the State Treasurer and to increase his official bond and provide for the payment of the premium thereon.

House Bill No. 201. An Act to require railroad, telegraph and express companies, doing business in the State of Montana to permit the installation of telephones in their offices and to answer calls made over such telephone connection during business hours and to provide a penalty for the violation of the provisions of this Act.

House Bill No. 166. An Act regulating the sale of merchandise in bulk and making provisions for the protection of the creditors of the vendor.

House Bill 324. An Act to establish a state live stock sanitary board to provide for the appointment of special deputy state veterinary surgeons to define the duties and powers of said state live stock sanitary board and the duties and powers of the state veterinary surgeon and deputies veterinary surgeon with the state live stock sanitary board; to provide for the eradication of disease in domestic animals, their quarantine and sanitary inspections; to amend Section 3016 of the Political Code relating to the stock indemnity fund; and to provide penalties for the violation of this Act; and to provide for the transfer of money from the general fund to the stock indemnity fund.

Mr. Speaker announced that he was about to sign House Bills Nos. 201, 166, 324 and Substitute for House Bill No. 10, and signed the same in the presence of the House.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

Executive Office, Helena, Montana, March 7, 1907.

To the Speaker of the House of Representatives, Helena, Montana:

The following House Bills have been approved and deposited with the Secretary of State:

No. 393. An Act to provide for the distribution to and among the various counties entitled thereto of the money derived from forest reserves in the State of Montana, under the Act of Congress approved June 30, 1906.

No. 315. An Act to regulate the confiscation of coal by any person, railroads and common carriers, and providing penalties for the violation of this Act.

No. 228. An Act to amend Sections 132 and 134 of the Civil Code of the State of Montana, relating to divorces and separations and defining extreme cruelty.

No. 325. An Act regulating the sale and providing for the inspection of oils used for illuminating and heating purposes, and in automobiles, establishing a standard test therefor and prescribing penalties.

H. J. M. No. 7. Relating to the policy of the government concerning entry-men on the public lands.

No. 333. An Act to amend Section 4044 of the Political Code of Montana, as amended by Chapter 92, Laws of 1903, relating to licenses.

No. 102. An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughter of diseased animals, etc.

No. 317. An Act to construct a fishway in Kootenai River at Kootenai Falls, Montana, and appropriating money therefor.

No. 379. An Act providing an open and closed season for the killing of deer.

H. J. R. No. 8. In reference to contract to be let for furnishing water for the State Capitol.

Sub. for H. B. No. 309. An Act appropriating money for the payment of a balance due on mileage allowed by law to sheriffs for transporting prisoners to the state prison during the years of 1903 and 1904.

No. 352. An Act providing for the submission to the electors of the State of Montana an amendment to Section 14 of Article XII of the Constitution of the State of Montana, relating to the care and management of public moneys in the hands of public officers, and providing for a state depository board to direct the depositing of state moneys in the possession of the State Treasurer.

J. K. TOOLE, Governor.

REPORTS OF STANDING COMMITTEES.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bills 373 and 346 have been correctly printed.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

in response to request from the House, S. B. No. 98 is herewith returned for further consideration.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Counties, Towns and Municipal Corporations, to whom was referred H. B. No. 251, having recommended that it be not concurred in and their report having been adopted by the Senate, the same is herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Secretary has been instructed to request the House to return H. B. No. 405 for further consideration.

Respectfully,

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that further consideration of H. B. No. 403 having been indefinitely postponed in the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Stockgrowing and Grazing, to whom was referred H. B. No. 416, having recommended that it be not concurred in and their report having been adopted by the Senate, the same is herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Judiciary, to whom was referred House Bills Nos. 406, 303, 292 and 283, having recommended that they be not concurred in and their report having been adopted by the Senate, the same are herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

The House took a recess at 12:10 P. M. until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr Speaker in the chair.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill numbered 409 has this day been concurred in as amended by the Senate and is herewith returned to the House for concurrence in such amendments.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Finance and Claims, to whom was referred H. B. No. 355, having recommended that it be not concurred in and their report having been adopted in the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Finance and Claims, to whom was referred H. B. No. 280, having recommended that it be not concurred in and their report having been adopted in the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Elections and Privileges, to whom was referred H. B. No. 88, having recommended that it be not concurred in and their report having been adopted in the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill numbered 135 has this day been passed by the Senate and is herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 170, 227, 306, 310, 350, 364, 411, have this day been concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate, on motion, has this day concurred in House amendments to Sub. for Senate Bills Nos. 115 and 108, and the same has been referred to Committee on Enrolled Bills.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion the President has appointed Senators Edwards, Long and Annin to act as a conference committee to act with the committee appointed by the House with reference to Senate amendments to H. B. No. 151.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that S. B. No. 65 was returned by the Governor without his approval and that on roll call the Senate sustained the veto of the Governor.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate, on motion has this day concurred in House amendments to Sub. for H. B. 113. and the same has been referred to Committee on Enrolled Bills.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate, on motion, has this day concurred in House amendments to S. B. No. 118. and the same has been referred to Committee on Enrolled Bills.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 18, 312, 256, have this day been concurred in as amended by the Senate and are herewith returned to the House for concurrence in such amendments.

Respectfully,

C. E. WIGHT, Secretary.

READING OF SENATE BILLS.

S. B. No. 47, read first and second times by title only. and referred to Committee on Ways and Means.

S. B. No. 135, read first and second times by title only, and referred to Committee on Fish and Game.

S. B. No. 136, read first and second times by title only, and referred to Committee on Townships and Counties.

The following Senate amendments to House Bill No. 409 were read:

Section 1. In line 24 of the printed bill strike out the words "One Thousand, Eight Hundred," and insert in lieu thereof the words "Two Thousand, One Hundred."

Section 1. In line 25 of the printed bill, strike out the words "One Thousand Five Hundred" and insert in lieu thereof the words "One Thousand Eight Hundred."

Section 1. After line 26 of the printed bill insert a line to be numbered 26½ to read as follows: "For expense of bond for State Treasurer One Thousand Five Hundred Dollars."

Section 1. Strike out the words "Three Thousand Dollars" for salary of the State Superintendent of Public Instruction, in the engrossed bill, and insert in lieu thereof the words "Two Thousand Five Hundred Dollars."

Section 1. In line 50 of the printed bill strike out the word "Five" and insert in lieu thereof the word "Two."

Section 1. For salary of Second Assistant to State Examiner in the engrossed bill, strike out the words "One Thousand Five Hundred" and insert in lieu thereof the words "One Thousand Two Hundred."

Section 1. In line 73 of the printed bill, strike out the word "one" after the word "Expenses," and insert in lieu thereof the word "Two."

Section 1. In line 110 of the printed bill, strike out the word "Four," after the word "Expenses," and insert in lieu thereof the word "Two."

Section 1. Add after line 110 of the printed bill, making a new line numbered 110½ to read as follows: "For salary Clerk of the State Board of Examiners. One Thousand Eight Hundred Dollars."

Section 1. Amend by striking out all of lines 124 and 125 in printed bill.

Section 1. Amend by striking out all of lines 133 and 134 in the printed bill.

Section 1. Amend by striking out in the engrossed bill the following words "For salaries of meat and milk inspectors from February 28, 1907, to February 28, 1908, Ten Thousand Dollars." "For actual and necessary expense of the meat and milk inspection commission from February 28, 1907, to February 28, 1908, One Thousand Dollars."

Section 1. Amend by adding in line 149 of the printed bill after the word "Thousand" the words "Five Hundred."

Section 1. Amend by striking out the following words as the same appear in the engrossed bill: "For salary Clerk of State Mine and Coal Mine Inspector. One Thousand, Eight Hundred Dollars."

Section 2. Amend by striking out the words "One Thousand, Eight Hundred," in line 174 of the printed bill and inserting in lieu thereof the words "Two Thousand, One Hundred."

Section 2. In line 175 of the printed bill, amend by striking out the

words "One Thousand, Five Hundred," and inserting in lieu thereof the words "One Thousand, Eight Hundred."

Section 2. Amend Section 2 of the engrossed bill by adding the following words: "For expense of bond for State Treasurer, One Thousand, Five Hundred Dollars."

Section 2. Amend Section 2 in line 196 of the printed bill by adding after the words "Five Hundred," the words "and Eighty-five."

Section 2. Amend Section 2 in line 201 of the printed bill by striking out the words "Five Hundred" and inserting in lieu thereof the words "Two Hundred."

Section 2. For salary of Second Assistant to State Examiner strike out the word "Five" after the word "Thousand" in the engrossed bill, and insert in lieu thereof the word "Two."

Section 2. In Section 2 of the engrossed bill, strike out the following words: "For salary Clerk of State Mine and Coal Mine Inspector, One Thousand, Eight Hundred Dollars."

Section 2. Amend by adding in Section 2 of the engrossed bill the following words: "For salary of Clerk of the State Board of Examiners, One Thousand, Eight Hundred Dollars."

Section 2. In Section 2 of the engrossed bill strike out the following words: "For Clerk to Secretary of Bureau of Child and Animal Protection, Six Hundred Dollars."

Section 2. In Section 2 of the engrossed bill, amend by striking out the following words "Carey Land Act Board." "For expenses of the Carey Land Act Board, One Thousand Five Hundred Dollars." "For salary of Secretary, One Thousand Two Hundred Dollars."

Section 2. In Section 2 of the engrossed bill, amend by striking out the following words: "For salaries of Meat and Milk Inspectors from February 28, 1908, to February 28, 1909, Ten Thousand Dollars."

Section 2. Amend Section 2 of the engrossed bill by striking out the following words. "For actual and necessary expense of the meat and milk inspection commission from February 28, 1908, to February 28, 1909, One Thousand Dollars."

Section 2. Amend Section 2 by striking out, in line 257 of the printed bill the word "Four" and inserting in lieu thereof the word "Two."

Section 2. Amend Section 2 in line 295 of the printed bill by adding after the word "Thousand" the words "Five Hundred."

Section 2. Amend Section 2 in line 295 of the printed bill by inserting after the word "Thousand" the words "Five Hundred."

The above Senate amendments were not concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennett of Madison, Brownlee, Decker, Farmer, Gray, Harbordt, Harden, Leighton, Maxwell, Moore, Macaulay, Patten, Potter.—15.

Noes.—Barbour, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Cato, Corby, Cluston, Cutler, Duncan, English, Gerber, Greene, Hess, Kroger, Logan, Longstaff, Manchester, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, McDonald, McManus, O'Connor, Powers, Root, Ross,

Seidler, Selway, Shaw, Sherman, Thompson of Sanders, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—46.

Absent and not voting.—Campbell, Cameron, Cummings, Fischer, Goff, Griffin, Hyndman, Kirwan, Marshall, Scallon, Swindlehurst, Thompson of Fergus.—12.

Motion by Bennett that Mr. Speaker appoint a Committee of five to confer with a like committee from the Senate, relative to House Bill No. 400. Motion carried, and Mr. Speaker appointed Bennett, Corby, O'Connor, Morgan, and Blake, as such committee.

REPORTS OF STANDING COMMITTEES.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit Substitute for House Bill No. 11, correctly engrossed.

Allen, from the Committee on Ways and Means, reported as follows:

March 7, 1907.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred Senate Bill No. 47, introduced by White, being a bill for an Act entitled, "An Act in relating to making loans to officers by banks," beg to report that we have had same under consideration and recommend that it be concurred in.

Report adopted.

Motion by Greene that the vote on Senate Bill No. 102, whereby it was not concurred in, be reconsidered. Motion carried.

Motion by Miller of Park that the vote on Senate Bill No. 125, whereby it was not concurred in, be reconsidered. Motion carried.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 129, 105, 110, and 122, and signed the same in the presence of the House.

Motion by Shaw, that Senate Bill No. 102 and Senate Bill No. 125 be recalled from the Senate. Motion carried.

The House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Miller of Lewis and Clark in the chair.

House resumed.

Mr. Speaker in the chair.

Miller of Lewis and Clark, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 123, introduced by Rae, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 1 by striking out in line 3 the word "eighteen," and inserting in lieu thereof the word "fifteen."

Also having had under consideration Senate Bill No. 99, introduced by McCone, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 98, introduced by

Cowgill, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 130, introduced by Martien, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Substitute for Senate Bill No. 117, introduced by Judiciary Committee, reports same back to the House with the recommendation that it be not concurred in.

Also having had under consideration Senate Bill No. 53, introduced by Donlan, reports same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 4 by striking out in line 19 the word "fraudulently."

Amend Section 10 by striking out in line 51 the words "at his own expense," after the word "send," also in line 52 strike out "to any analytical chemist for inspection," and inserting after the word "it" in line 51 the words "To the chemical department of any of the State Institutions for inspection and analysis without cost."

Amend Section 16 by inserting in line 88 after the word "morphia" the words, "chloral hydrate."

Amend Section 16 by striking out in line 80 the word "quality" and inserting in lieu thereof the word "quantity."

Amend Section 16 by striking out in line 91 the words "who may wish to examine same." and inserting in lieu thereof the words "authorized to inspect same."

Amend Section 17 by striking out all of said Section and inserting in lieu thereof the following: "Section 17. Any person who shall violate any of the provisions of the preceding sections of this act shall on conviction thereof, be fined not less than Ten Dollars nor more than One Hundred Dollars and each article, barrel or package sold in violation of this Act shall constitute a separate offense."

Amend Section 18 by striking out in line 98 the word "recipes" and inserting in lieu thereof the word "prescriptions."

Also having had under consideration Senate Bill No. 128, introduced by Long, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 47, introduced by White, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 131, introduced by Long, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 363, introduced by Barbour, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend Section 1 by striking out in line 8 the words "one hundred" and inserting in lieu thereof the words "a majority of the." Also in line 14 by striking out the figures "\$2,000," and inserting in lieu thereof the figures "\$1,800." Also by inserting in line 14, after the word "annum" the words

"to be paid by the counties," and adding "adopting the provisions of this Act."

Amend Section 2 by inserting after Section 2, line 16, and Section 3 after the words "Section 15," line 29, the words "of the Act of 1903."

On motion by Allen, report on Senate Bill No. 117 was segregated, and report of the Committee of the Whole was adopted. Senate Bill No. 117 was referred to General Orders.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Counties, Towns and Municipal Corporations, to whom was referred H. B. No. 419, having recommended that it be not concurred in and their report having been adopted in the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion the Senate has insisted on its amendments to H. B. No. 409 and the President has appointed Senators McCone, Martien, Albright, Romney and Donlan as a conference committee to act with the committee appointed by the House in regard to the same.

Respectfully,

C. E. WIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

Brownlee, from the Committee on Townships and Counties, reported as follows:

Helena, Montana, March 7, 1907.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 130, A Bill for an Act entitled, An Act authorizing the Board of County Commissioners in each county to appropriate money out of the general fund for the purpose of defraying the expenses of the exhibit of the county at the State Fair, recommend that it be concurred in.

Report adopted.

The following Senate amendment to House Bill No. 18 was read:

Strike out the following in Section 3, line 28, all after the word "after," and insert in lieu thereof the following: "July 15th, 1907, provided that until said date the existing statute of which this Act is amendatory shall not be held to be repealed or modified."

The above Senate amendment to House Bill No. 18 was concurred in by the following vote:

Ayes.—Allen, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Cameron, Cato, Corby, Cluston, Cummings,

Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Morgan, Morris, Macaulay, O'Connor, Patten, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham, Mr. Speaker.—57.

Noes.—None.

Absent and not voting.—Barbour, Bennett of Madison, Campbell, English, Griffin, Harden, Kirwan, Logan, Marshall, Miller of Park, Moore, McDonald, McManus, Potter, Scallon, Whiteside.—16.

The following Senate amendment to House Bill No. 312 was read:

Strike out in Section 1 after the words "oxalic acid," the words "concentrated lye or other caustic alkali."

The above Senate amendment to House Bill No. 312 was not concurred in by the following vote:

Ayes.—English, Harbordt.—2.

Noes.—Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Hess, Hyndman, Leighton, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Wilham, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Weed, Wendel, Wilder, Mr. Speaker.—54.

Absent and not voting.—Bennett of Madison, Blake, Brewster, Cummings, Gray, Griffin, Harden, Kirwan, Kroger, Logan, Marshall, Morgan, McDonald, Scallon, Swindlehurst, Towers, Whiteside.—17.

Motion by Blewett that the Speaker appoint a conference committee to act with a like committee from the Senate regarding House Bill No. 312. Motion carried.

On motion by Miller of Park, House Bill No. 363 was considered correctly engrossed and placed on third reading.

The following Senate amendments to House Bill No. 256 were read:

Strike out House amendment to Section 1.

Amend Section 1, after the word "continuance" by striking out the words "shall have," and inserting in lieu thereof the words "they must within."

Strike out the words "Shall have ninety days from and after the passage and approval of this Act in which to comply herewith," and insert in lieu thereof the words: "must within ninety days from and after the passage and approval of this Act comply herewith."

The above Senate amendments to House Bill No. 256 were concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Hess, Hyndman, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, O'Connor, Patten, Potter, Powers, Root, Seidler, Selway, Shaw, Swindlehurst, Thompson of

Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilham, Mr. Speaker.—53.

Noes.—McManus and Wilder.—2.

Absent and not voting.—Allen, Blake, Blewett, Cato, Corby, English, Harbordt, Harden, Kirwan, Kroger, Leighton, Marshall, Macaulay, Ross, Scallion, Sherman, Whiteside, Logan.—18.

REPORTS OF SELECT COMMITTEES.

The following report was received:

March 7, 1907.

Honorable E. W. King, Speaker, House of Representatives:

Your Joint Committee from the House and Senate appointed to confer on House Bill No. 409, beg to recommend that the House of Representatives accept all the Senate amendments except those in line 110, lines 124 and 125, 257, 270 and 271, and that the Senate recede from its amendments to the said lines 110, 124 and 125, 257, 270 and 271.

McCONE, Chairman Joint Conference Committee for Senate.

BENNETT, Chairman Joint Conference Committee for House

Report adopted.

Roll was called and Senate amendments to House Bill No. 409, as per report of conference committee, were concurred in by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Hyndman, Kroger, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—60.

Noes.—McManus.—1.

Absent and not voting.—Cluston, English, Harbordt, Harden, Hess, Kirwan, Leighton, Logan, Longstaff, Marshall, Scallon, Thompson of Sanders.—12.

REPORTS OF STANDING COMMITTEES.

English, from the Committee on Fish and Game, reported as follows:

March 7, 1907.

Mr. Speaker:

Your Committee on Fish and Game, to which was referred Senate Bill No. 135, introduced by Miles, a Bill for an Act entitled: "An Act to create a commission to be known as the Montana State Fish Commission, naming the State Game Warden as a member of said Commission, and providing for the appointment of two other members of said Commission by the Governor: fixing the duties and compensation of said Commission, and authorizing them to locate, construct and equip a State Fish Hatchery; to regulate the distribution of the product of said hatchery, and to appropriate money from the game and fish fund, for all of said purposes", having had same under consideration, recommend that it be concurred in.

Report adopted.

INTRODUCTION OF BILLS.

By unanimous consent the following bill was introduced and placed on file:

By Seidler, H. B. No. 424. A Bill for an Act to amend Section 310, Division I, Part III, Title II, Chapter II, Civil Code of the State of Montana, concerning the adoption of minor children.

READING OF HOUSE BILLS

The following bill was taken from the file:

H. B. No. 424, read first and second times by title only, and referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

Allen, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, your Committee on Ways and Means, to which was referred House Bill No. 424, introduced by Seidler, being a bill for an Act entitled "An Act to amend Section 310, Division I, Part III, Title II, Chapter II, Civil Code of the State of Montana, concerning the adoption of minor children", beg leave to report that we have had the same under consideration, and recommend that it do pass.

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bill 424 has been correctly printed.

House Bill No. 424 was placed on general orders.

The House resolved itself into a Committee of the Whole, for the consideration of House Bill No. 424.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 424, introduced by Seidler, reports same back to the House with recommendation that it do pass.

Report adopted.

On motion by Macaulay, House Bill No. 424 was considered correctly engrossed, and placed on third reading.

THIRD READING OF HOUSE BILLS.

House Bill No. 424, having been read three several times, was passed by the following vote:

Ayes.—Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cutler, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Harden, Hyndman, Kroger, Leighton,

Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Potter, O'Connor, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—67.

Noes.—None.

Absent and not voting.—Cummings, Hess, Kirwan, Logan, Marshall, Boorman.—6.

REPORT OF SELECT COMMITTEES.

The following report was received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

We, the majority of your Joint Conference Committee, on House Bill No. 151, respectfully report: That your Committee have agreed unanimously to recommend the acceptance by the House of the Senate amendments to Sections 1, 2, 7, 10, 11 and 12. And have also unanimously agreed that the Senate recede from its amendment to Section 3. And have also decided to respectfully recommend that the Senate recede from its amendments to Section 5 and 8.

Respectfully submitted,

ANNIN,
SCALLON.
SWINDLEHURST.
DONALD CAMPBELL.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bill numbered 424 has this day been concurred in by the Senate and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bill as correctly enrolled this 7th day of March, 1907:

House Bill No. 424. An Act to amend Section 310, Division I, Part III, Title II, Chapter II, Civil Code of the State of Montana, concerning the adoption of minor children.

Mr. Speaker announced that he was about to sign House Bill No. 424, and signed the same in the presence of the House.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 11, having been read three several times, was defeated by the following vote:

Ayes.—Allen, Barbour, Blake, Boorman, Brewster, Brownlee, Burke, Farmer, Goff, Gray, Harbordt, Hess, Kroger, Manchester, Moore, Morgan, Patten, Potter, Shaw, Towers, Weed, Wendel, Whiteside, Wilder.—24.

Noes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Gerber, Greene, Griffin, Hyndman, Leighton, Longstaff, Maxwell, Miles, Miller of Lewis and Clark, Morris, McDonald, Macaulay, O'Connor, Powers, Root, Ross, Seidler, Sherman, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Wilham.—36.

Absent and not voting.—Campbell, English, Fischer, Harden, Kirwan, Logan, Marshall, Miller of Park, McManus, Scallon, Selway, Swindlehurst, Mr. Speaker.—13.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Governor:

Executive Office, Helena, Montana,

March 7, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

I have this day approved and deposited with the Secretary of State House Bill No. 424, "An Act to amend Section 310, Division I, Part III, Title II, Chapter II, Civil Code of the State of Montana, concerning the adoption of minor children.

J. K. TOOLE, Governor.

THIRD READING OF SENATE BILLS.

Senate Bill No. 123, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Cameron, Cato, Cluston, Cutler, Duncan, Farmer, Fischer, Gerber, Kirwan, Manchester, Miles, McDonald, McManus, O'Connor, Patten, Shaw, Sherman, Thompson of Fergus, Walker, Weed, Wendel, Wilder, Wilham.—28.

Noes.—Bennett of Madison, Brownlee, Burke, Brewster, Cummings, Decker, Goff, Gray, Griffin, Harbordt, Hyndman, Kroger, Longstaff, Maxwell, Moore, Morgan, Morris, Potter, Root, Ross, Selway, Thompson of Sanders, Tudor, Warren, Mr. Speaker pro tem.—25.

Absent and not voting.—Barbour, Campbell, Corby, English, Greene, Harden, Hess, Leighton, Logan, Marshall, Miller of Lewis and Clark, Miller of Park, Macaulay, Powers, Scallon, Seidler, Swindlehurst, Tudor, Whiteside, Mr. Speaker.—20.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment, report the following bill as correctly enrolled this 7th day of March, 1907:

House Bill No. 89. An Act to amend Chapter VI, Title XIII, of the Penal Code of the State of Montana relating to extortion by adding thereto a Section to be designated as Section 924, so as to prevent the denial of indebtedness for labor or wilful refusal to pay such indebtedness with intent to secure a discount from the laborer.

House Bill No. 296. An Act to amend Sections 494, 495, 496, 497, 498, 499 of the Political Code of Montana as amended by Chapter C, Act of 1903, relating to the State Examiner's office and fund.

House Bill No. 364. An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title I, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana.

House Bill No. 411. An Act appropriating money for the erection and completion of a womens building, hospital building, and an additional wall at the state prison at Deer Lodge, Montana.

House Bill No. 170. An Act to authorize and direct the executive board of the Montana Agricultural College to establish a sub-station for the purpose of carrying experiments in horticulture and to appropriate money therefor.

Substitute for House Bill No. 310. An Act to amend Article VII, of Chapter II, of Title X, of Division II, Part IV, of the Civil Code of the State of Montana, relating to the use of fictitious names, by adding thereto a new Section to be known and numbered Section 3285, requiring every individual using a firm or corporate name to file and publish certificates giving the name of such individual.

House Bill No. 350. An Act to appropriate the sum of Three Hundred and Seventy-five Dollars (\$375.00) to pay Dr. George H. Putney for services as meat and milk inspector for Missoula County, for the months December, 1904, and January and February, 1905.

Also:

Mr. Speaker:

We, your Committee on Enrolling, report the following bills correctly enrolled this 7th day of March, 1907:

House Bill No. 367. An Act to amend Section 448 of the Civil Code of the State of Montana as amended by an Act entitled "An Act to amend Section 448 of the Civil Code of the State of Montana, relating to the meetings of stockholders and board of directors of corporations", approved February 24th, 1899, relating to the meetings of stockholders and board of directors of corporations.

House Bill No. 369. An Act providing for the disposition of moneys received from the sale of estrays.

House Bill No. 268. An Act to amend Section 1900 and Section 1904 as amended by the laws of 1897, Article 12, Chapter 6, Title 3, Part 3, of the Political Code of the State of Montana, relating to county teacher's institutes and to the means of raising funds to defray the expenses of such institutes.

Mr. Speaker announced that he was about to sign House Bills Nos. 89,

296, 364, 411, 170, 350, 367, 309, 368, and Substitute for House Bill No. 310, and signed the same in the presence of the House.

Gray, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to submit House Bills Nos. 278 and 54 correctly engrossed.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that by order of the Senate, Senate Bills numbered 125 and 102 are herewith returned to the House as requested.

Respectfully,

C. E. WIGHT, Secretary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 99, having been read three several times, was concurred in by the following vote:

Ayes.—Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brownlee, Campbell, Cameron, Cato, Cummings, Cutler, Farmer, Fischer, Gerber, Goff, Griffin, Harbordt, Hess, Hyndman, Kirwan, Kroger, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Powers, Root, Ross, Selway, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Wilder, Wilham, Mr. Speaker pro tem.—43.

Noes.—Longstaff.—1.

Absent and not voting.—Barbour, Beckwith, Blake, Brewster, Burke, Corby, Cluston, Decker, Duncan, English, Greene, Gray, Harden, Leighton, Logan, Manchester, Marshall, McDonald, Macaulay, O'Connor, Patten, Potter, Scallon, Seidler, Thompson of Sanders, Walker, Warren, Whiteside, King.—29.

Title agreed to.

Senate Bill No. 98, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blewett, Brownlee, Bur.e, Cameron, Cato, Cummings, Cutler, Duncan, Farmer, Gerber, Gray, Harbordt, Hess, Hyndman, Maxwell, Miller of Lewis and Clark, Miller of Park, McDonald, McManus, O'Connor, Patten, Powers, Root, Ross, Selway, Shaw, Sherman, Thompson of Sanders, Towers, Tudor, Walker, Wendel, Wilham.—36.

Noes.—Beckwith, Blake, Cluston, Decker, Fischer, Goff, Griffin, Kroger, Longstaff, Miles, Swindlehurst, Warren, Whiteside, Mr. Speaker pro tem.—14.

Absent and not voting.—Boorman, Brewster, Campbell, Corby, English, **Greene, Harden, King, Kirwan, Leighton, Logan, Manchester, Marshall, Moore, Morgan, Morris, Macaulay, Potter, Scallon, Seidler, Thompson of Fergus, Weed, Wilder.**—23.

Title agreed to.

Senate Bill No. 130, having been read three several times, was concurred in by the following vote:

Ayes.—Bennett of Madison, Blake, Blewett, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Duncan, Farmer, Fischer, Gerber, Goff, Gray, Griffin, Hess, Hyndman, Longstaff, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, McDonald, O'Connor, Patten, Powers, Root, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Warren, Weed, Wendel, Wilder, Wilham, M. Speaker pro tem.—42.

Noes.—Harbordt and Towers.—2.

Absent and not voting.—Barbour, Beckwith, Bennetts of Silver Bow, Boorman, Brewster, Corby, Cutler, Decker, English, Greene, Harden, King, Kirwan, Kroger, Leighton, Logan, Manchester, Marshall, Moore, Morgan, Morris, McManus, Macaulay, Potter, Ross, Scallon, Seidler, Walker, Whiteside.—29.

Title agreed to.

Senate Bill No. 128, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Burke, Campbell, Cameron, Cato, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Goff, Gray, Harbordt, Hess, Hyndman, Kroger, Leighton, Maxwell, Miles, Miller of Lewis and Clark, Moore, Miller of Park, Morgan, McDonald, O'Connor, Patten, Powers, Seidler, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham, Mr. Speaker pro tem.—49.

Noes.—None.

Absent and not voting.—Bennett of Madison, Brewster, Corby, English, Greene, Griffin, Harden, King, Logan, Longstaff, Manchester, Marshall, Morris, McManus, Macaulay, Potter, Root, Ross, Scallon, Selway, Sherman, Swindlehurst, Whiteside.—24.

Title agreed to.

On motion of Weed, the following history of House Bill No. 424 was ordered spread on the Journal of the House:

H. B. 424.

HOUSE.

- 3:59 P. M. Introduced by Seidler.
- 4:00 P. M. Com. Ways and Means report read.
- 4:00½ P. M. Printing Committee report read.
- 4:00½ P. M. Passed in Committee of the Whole, Swindlehurst Chairman.
- 4:02 P. M. Committee of the Whole report adopted.
- 4:02½ P. M. Third reading.
- 4:03 P. M. Roll call started.
- 4:04½ P. M. Roll call finished.

Sent to Senate.

SENATE.

- 4:08 P. M. Bill 424, by Seidler, received.
- 4:09 P. M. Read by clerk.

4:10 P. M. Judiciary Committee report read.
 4:10¼ P. M. Steering Committee report read.
 4:11 P. M. Passed in Committee of the Whole. Edwards, Chairman.
 4:11¼ P. M. Committee of the Whole report read.
 4:13½ P. M. Passed third reading.
 4:18½ P. M. Signed by King, Speaker, House.
 4:21½ P. M. Rec'd with Gov. Signature.
 Total time 22½ minutes.

THIRD READING OF SENATE BILLS.

Senate Bill No. 125, having been read three several times, was passed by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Duncan, Farmer, Fischer, Gerber, Griffin, Hess, Kirwan, Kroger, Leighton, Longstaff, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, McManus, O'Connor, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilham.—42.

Noes.—Blake, Blewett, Boorman, Cummings, Decker, Goff, Gray, Hyndman, Moore, Patten, Thompson of Sanders, Towers, Wilder, Mr. Speaker pro tem.—14.

Absent and not voting.—Brewster, Cutler, English, Greene, Harbordt, Harden, King, Logan, Manchester, Marshall, Morris, Macaulay, Potter, Powers, Root, Scallon, Selway.—17.

Title agreed to.

Senate Bill No. 53, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Bennetts of Silver Bow, Blake, Blewett, Boorman, Cato, Cummings, Decker, Duncan, Fischer, Gerber, Gray, Hyndman, Kirwan, Longstaff, Maxwell, Miles, Miller of Park, Morgan, McManus, O'Connor, Patten, Powers, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Warren, Weed, Whiteside, Wilder, Wilham.—36.

Noes.—Barbour, Bennett of Madison, Brownlee, Campbell, Farmer, Goff, Hess, Kroger, Leighton, Moore, Walker, Wendel, Mr. Speaker pro tem.—13.

Absent and not voting.—Brewster, Burke, Cameron, Corby, Cluston, Cutler, English, Greene, Griffin, Harbordt, Harden, King, Logan, Manchester, Marshall, Miller of Lewis and Clark, Morris, McDonald, Macaulay, Potter, Root, Scallon, Thompson of Fergus, Tudor.—24.

Title agreed to.

Senate Bill No. 117, having been read three several times was concurred in by the following vote:

Ayes.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brownlee, Burke, Decker, Duncan, Gerber, Goff, Gray, Hess, Hyndman, Kroger, Manchester, Maxwell, Miller of Park, Moore, Morgan, Macaulay, O'Connor, Patten, Potter, Ross, Seidler, Selway, Thompson of Sanders, Towers, Walker, Weed, Wendel, Mr. Speaker pro tem.—33.

Noes.—Beckwith, Blewett, Cato, Kirwan, Longstaff, Miles, Powers, Sherman, Warren, Wilder, Wilham.—11.

Absent and not voting.—Brewster, Campbell, Cameron, Corby, Cluston, Cummings, Cutler, English, Farmer, Fischer, Greene, Griffin, Harbordt, Harden, King, Leighton, Logan, Marshall, Miller of Lewis and Clark, Morris, McDonald, McManus, Root, Scallon, Shaw, Swindlehurst, Thompson of Fergus, Tudor, Whiteside.—29.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bill as correctly enrolled this 7th day of March, 1907.

House Bill No. 422. An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Tenth Legislative Assembly of the State of Montana.

Mr. Speaker announced that he was about to sign House Bill No. 422 and Senate Bills Nos. 118, 66, 124 Senate Joint Resolution No. 3, Substitute for Senate Bill No. 113, and Substitute for Senate Bills 115 and 108, and signed the same in the presence of the House.

Mr. Speaker appointed Campbell, Cameron and Burke as a conference committee on House Bill No. 312.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

By direction of the Senate I herewith return you House Bill No. 151. The conference committee of the Senate was granted further time in which to confer with the House committee regarding amendments to said bill.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills numbered 194, 257, 195, 269, 308, 329, 401, 405, 402, 404, 422 have this day been concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

By direction of the Senate I herewith return H. B. 400, on which a conference committee was appointed. The report of the committee has been adopted by the Senate.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that both

the majority and minority reports of the conference committee appointed to consider Senate amendments to H. B. No. 151 have been rejected by the Senate and the committee has been instructed to confer further in regard to the same.

Respectfully,

C. E. WIGHT, Secretary.

On motion of Scallon, the conference committee on House Bill No. 151 was instructed to again confer with a like committee from the Senate on said bill.

THIRD READING OF SENATE BILLS.

Senate Bill No. 102, having been read three several times, was not concurred in by the following vote:

Ayes.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Burke, Cameron, Gerber, Hess, King Kroger, Leighton, Manchester, McManus, Powers, Root, Seidler, Selway, Shaw, Sherman, Tudor, Walker, Weed, Wendel, Whiteside.—25.

Noes.—Beckwith, Boorman, Cato, Cluston, Decker, Duncan, Goff, Gray, Kirwan, Longstaff, Maxwell, Miller of Lewis and Clark, Moore, Morgan, Morris, Macaulay, O'Connor, Patten, Potter, Ross, Thompson of Sanders, Towers, Wilder, Wilham, Mr. Speaker pro tem.—25.

Absent and not voting.—Brewster, Brownlee, Campbell, Corby, Cummings, Cutler, English, Farmer, Fischer, Greene, Griffin, Harbordt, Harden, Hyndman, Logan, Marshall, Miles, Miller of Park, McDonald, Scallon, Swindlehurst, Thompson of Fergus, Warren.—23.

Senate Bill No. 47, having been read three several times, was concurred in by the following vote:

Ayes.—Beckwith, Blewett, Boorman, Burke, Cameron, Cutler, Decker, Duncan, Gerber, Goff, Greene, Gray, Hess, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, Powers, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Weed, Wendel, Whiteside, Wilham, Mr. Speaker.—34.

Noes.—Cluston, Longstaff, Warren, Wilder.—4.

Absent and not voting.—Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Brewster, Brownlee, Campbell, Cato, Corby, Cummings, English, Farmer, Fischer, Griffin, Harbordt, Harden, Hyndman, King, Kirwan, Kroger, Leighton, Logan, Marshall, Miles, McDonald, McManus, Macaulay, O'Connor, Patten, Potter, Root, Ross, Scallon, Thompson of Fergus, Walker.—35.

Title agreed to.

Senate Bill No. 131, having been read three several times, was concurred in by the following vote:

Ayes.—Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Cameron, Cato, Corby, Cluston, Cutler, Decker, Duncan, English, Farmer, Gerber, Greene, Griffin, Harbordt, Hess, Hyndman, Kroger, Leighton, Longstaff, Manchester, Maxwell, Miller of Park, Moore, Morgan, Morris, Macaulay, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham, Mr. Speaker pro tem.—49.

Noes.—Burke, Goff, Powers.—3.

Absent and not voting.—Brewster, Campbell, Cummings, Fischer, Gray, Harden, King, Kirwan, Logan, Marshall, Miles, Miller of Lewis and Clark, McDonald, McManus, O'Connor, Patten, Potter, Root, Scallon, Towers, White-side.—21.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bill numbered 413 has this day been concurred in as amended by the Senate and is herewith returned to the House for concurrence in such amendments.

Respectfully,

C. E. WIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Appropriations, reported as follows:

March 7, 1907.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 423, A Bill for an Act appropriating money for the payment of Miss Gertrude Pritchett for services, have had the same under consideration and recommend that it do not pass for the reason that it believes it to be unconstitutional.

On motion of Corby, the report was received and House Bill No. 423 was ordered printed and placed on general orders.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 7, 1907

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bill numbered 88 has this day been passed by the Senate and is herewith transmitted for your concurrence.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Committee on Fish and Game, to whom was referred H. B. No. 327, having recommended that it be not concurred in, and their report having been adopted in the Senate, the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate having voted to reconsider the vote by which further action in regard

to H. B. No. 403 was indefinitely postponed, the Secretary has been instructed to request that you return the same for further consideration.

Respectfully,

C. E. WIGHT, Secretary.

The following Senate amendments to House Bill No. 413 were read:

Amend Section 1 by striking out the amendment of Committee on Finance and Claims in line nine, in reference to dry land farming.

Amend Section 1 of the printed bill by striking out all of lines numbered 9 and 11.

Amend Section one by adding in line 12 the words "Repairs and Improvements for buildings Seven Thousand Dollars".

Amend Section one by striking out in line 15 the words "Twenty-nine Thousand and Eight Hundred", and inserting in lieu thereof the words "Thirty Thousand and Eight Hundred".

Amend by striking out the amendment of Committee on Finance and Claims in Section 2, line 34, referring to dry land farming.

Amend Section 2 of the printed bill by striking out all of line numbered 34.

Amend Section 2 by striking out in line 40 the words "Twenty-nine Thousand Eight Hundred and Twenty-five", and inserting in lieu thereof the words "Thirty-two Thousand Eight Hundred and Twenty-five".

The above Senate amendments to House Bill No. 413 were concurred in by the following vote:

Ayes.—Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brownlee, Cameron, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Fischer, Greene, Gray, Griffin, Harbordt, King, Leighton, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McManus, Macaulay, Patten, Powers, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Towers, Tudor, Walker, Weed, Wendel, Wilder, Mr. Speaker pro tem.—47.

Noes.—None.

Absent and not voting.—Barbour, Brewster, Burke, Campbell, Cato, Farmer, Gerber, Goff, Harden, Hess, Hyndman, Kirwan, Kroger, Logan, Marshall, Morris, McDonald, O'Connor, Potter, Root, Scallon, Thompson of Sanders, Thompson of Fergus, Warren, Whiteside, Wilham.—26.

The House took a recess at 5:45 until 7:30 P. M.

EVENING SESSION.

House reassembled at 7:30 P. M.

Mr. Speaker in the chair.

READING OF SENATE BILLS.

S. B. No. 88, read first and second times by title only and referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

Allen, from the Committee on Ways and Means reported as follows:

March 7, 1907.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred Senate Bill No. 88, being a Bill for an Act to withdraw certain lands in Fergus County from sale, lease or other disposition by the State and to dedicate the same as a public cemetery, beg leave to report same back with the recommendation that it be passed.

Report adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 278, having been read three several times, was defeated by the following vote:

Ayes.—Allen Bennett of Madison, Bennetts of Silver Bow, Boorman, Campbell, Cameron, Decker, English, Farmer, Goff, Gray, Hyndman, Manchester, Maxwell, Morgan, Macaulay, Selway, Swindlehurst, Towers, Walker, Weed, Wendel.—22.

Noes.—Blake, Blewett, Cato, Corby, Cluston, Cummings, Duncan, Harbordt, Hess, Kroger, Longstaff, Miles, Miller of Lewis and Clark, Miller of Park, McDonald, McManus, O'Connor, Powers, Root, Ross, Seidler, Shaw, Thompson of Sanders, Whiteside, Wilder, Wilham, Mr. Speaker.—27.

Absent and not voting.—Barbour, Beckwith, Brewster, Brownlee, Burke, Cutler, Fischer, Gerber, Greene, Griffin, Harden, Kirwan, Leighton, Logan, Marshall, Moore, Morris, Patten, Potter, Scallon, Sherman, Thompson of Fergus, Tudor, Warren.—24.

Motion by Maxwell, that the vote whereby Senate Bill No. 102 was defeated, be reconsidered. Motion carried.

House Bill No. 54, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennetts of Silver Bow, Blake, Brewster, Campbell, Cameron, Cato, Corby, Cummings, English, Farmer, Goff, Gray, Hess, Kroger, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, McDonald, O'Connor, Ross, Seidler, Selway, Shaw, Thompson of Sanders, Swindlehurst, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—34.

Noes.—Bennett of Madison, Blewett, Boorman, Cluston, Decker, Duncan, Harbordt, Hyndman, Longstaff, Powers, Root, Sherman, Towers, Wilder, Wilham.—15.

Absent and not voting.—Barbour, Beckwith, Brownlee, Burke, Cutler, Fischer, Gerber, Greene, Griffin, Harden, Kirwan, Leighton, Logan, Marshall, Miles, Moore, Morris, Macaulay, Patten, Potter, Scallon, Thompson of Fergus, Tudor, Warren.—24.

Title agreed to.

House Bill No. 363, having been read three several times, was passed by the following vote:

Ayes.—Allen, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Decker, Duncan, English, Farmer, Greene, Hess, Hyndman, Kroger, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, McDonald, McManus, Macaulay, O'Connor, Powers, Ross, Seidler, Sel-

way, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—50.

Noes.—Goff, Gray, Harbordt, Longstaff.—4.

Absent and not voting.—Barbour, Beckwith, Brownlee, Cutler, Fischer, Gerber, Griffin, Harden, Kirwan, Leighton, Logan, Marshall, Morris, Patten, Potter, Root, Scallon, Thompson of Fergus, Warren.—19.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that S. B. No. 102 is herewith returned to the House as requested.

Respectfully,

C. E. WIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 7th day of March, 1907:

House Bill No. 18. An Act to amend Section 770 of the Penal Code of the State of Montana relating to the safe keeping and disposition of public moneys:

House Bill No. 194. An Act appropriating money for the restoration and maintenance of Old Fort Benton and providing for the appointment of a Board of Trustees for the management thereof.

House Bill No. 227. An Act to amend Section 411 of the Civil Code of Montana relating to the making and filing of articles of incorporation of domestic corporations, and to repeal Section 406 of the Civil Code.

House Bill No. 269. An Act to amend Section 10 of Article 2 of Chapter 106 of the Laws of 1905, and providing when the fees of lands necessary to be taken for drains shall vest.

House Bill No. 312. An Act to amend Section 654 of the Political Code of the State of Montana, relating to the sale of poisons.

House Bill No. 257. An Act for the submitting to the qualified electors of the State of Montana an amendment to Article XII, of the Constitution of the State of Montana, relating to the revenue and taxation, and providing for an increase in the tax levy.

House Bill No. 401. An Act to prescribe the hours of labor for prison guards employed at the State Prison, and providing penalties for the violation thereof.

House Bill No. 402. An Act appropriating money for the repairing of the roof of the State Arsenal at Helena, Montana.

House Bill No. 404. An Act to provide that the national flag be unfurled, displayed and kept floating upon the grounds of the State Capitol Building, and to authorize and direct the Secretary of State to have erected a suitable flagstaff and provide suitable flags therefor, and to provide for the payment of the necessary expenses incident thereto."

Mr. Speaker announced that he was about to sign House Bills Nos. 18, 194, 227, 269, 312, 257, 401, 402, 404, and signed the same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Boorman reported as follows:

Mr. Speaker:

We, your Committee on House Journal beg leave to report having examined the Journal of Wednesday, March 6, and believe the same to be correct to the best of our knowledge."

Report adopted.

Shaw, from the Committee on Printing, reported as follows:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I hereby beg leave to report that House Bill 423 has been correctly printed.

REPORT OF SELECT COMMITTEE.

The following report was read:

March 7, 1907.

Mr. Speaker:

Your Conference Committee on House Bill No. 151, hereby respectfully report that your Committee have agreed unanimously to recommend that the Senate amendment to Sections 1, 2, 7, 10, 11 and 12 be insisted upon.

We have also unanimously agreed that the Senate recede from its amendments to Section 3.

We have also unanimously agreed that the Senate amendments to Sections 5 and 8 be stricken out, and the following amendments to said Sections 5 and 8 be substituted in lieu thereof:

Provided, that when a bar-room is maintained in any hotel, this Act shall not be construed to apply to the parts of the building where the other business of the hotel is transacted.

Respectfully submitted,

WM. SCALLON.

Report adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 102, having been read three several times, was concurred in by the following vote:

Ayes: Allen, Barbour, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Burke, Campbell, Corby, Cummings, Cutler, Duncan, English, Farmer, Gerber, Greene, Hess, Hyndman, Kroger, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, McDonald, McManus, O'Connor, Powers, Root, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Fergus, Walker, Weed, Wendel, Mr. Speaker.—40.

Noes: Beckwith, Boorman, Brewster, Cameron, Cato, Cluston, Decker, Fischer, Goff, Gray, Griffin, Harbordt, Harden, Longstaff, Moore, Morgan, Macaulay, Patten, Ross, Thompson of Sanders, Towers, Tudor, Whiteside, Wilder.—24.

Absent and not voting: Brownlee, Kirwan, Leighton, Logan, Marshall, Norris, Potter, Warren, Wilham.—9.

Title agreed to.

Senate Bill No. 131, having been read three several times, was concurred in by the following vote:

Ayes: Allen, Barbour, Beckwith, Bennetts of Silver Bow, Blake, Blewett, Brewster, Boorman, Burke, Cameron, Cato, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Gerber, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Longstaff, Manchester, Maxwell, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macanlay, Patten, Powers, Root, Ross, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—53.

Noes: Goff.—1.

Absent and not voting: Bennett of Madison, Brownlee, Campbell, Corby, English, Harden, Kirwan, Leighton, Logan, Marshall, Miles, McDonald, O'Connor, Potter, Scallon, Seidler, Sherman, Walker, Warren.—19.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Walker in the chair.

House resumed.

Mr. Speaker in the chair.

Walker, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 136, introduced by Glidden, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 135, introduced by Miles, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 88, introduced by Rae, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 423, introduced by Corby, reports same back to the House with the recommendation that it do pass as amended, as follows:

Amend the title by adding after the word "Pritchett" the names "Miss Alice M. Zeiter and J. E. McIntyre.

Amend Section 1 by striking out the words "One Hundred Eighty Dollars" and the figures "\$180.00", in line 1, and inserting in lieu thereof the words "Four Hundred Fifty Dollars (\$450.00)", and in line 3 after the word "Pritchett" insert the names "Miss Alice M. Zeiter, and J. E. McIntyre". Also after the word "rendered" insert the words "and to be rendered", in line 3. Also add two new lines to be numbered 5 and 6, line 5 to read "Miss Alice M. Zeiter, \$120.00", and line 6 to read "J. E. McIntyre, \$150.00".

Report adopted.

Motion by Corby that House Bill No. 423 be considered correctly engrossed and placed on third reading. Motion carried.

THIRD READING OF HOUSE BILLS.

House Bill No. 423, having been read three several times, was passed by the following vote:

Ayes: Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Corby, Cummings, Cutler, Decker, Duncan, English, Farmer, Fischer, Gerber, Goff, Greene, Griffin, Hess, Hyndman, Manchester, Maxwell, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Walker, Warren, Weed, Wendel, Wilham, Mr. Speaker.—54.

Noes: Cluston, Gray, Kirwan, Longstaff, Miles, Whiteside.—6.

Absent and not voting: Cato, Harbordt, Harden, Kroger, Leighton, Logan, Marshall, Miller of Lewis and Clark, O'Connor, Potter, Powers, Tudor, Wilder.—13.

Title agreed to.

THIRD READING OF SENATE BILLS.

Senate Bill No. 88, having been read three several times, was concurred in by the following vote:

Ayes: Allen, Beckwith, Bennett of Madison, Blewett, Boorman, Brewster, Burke, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Goff, Greene, Gray, Harbordt, Hess, Hyndman, Kirwan Longstaff, Manchester, Maxwell, Miles, Miller of Park, Moore, Morgan, McManus, Macaulay, O'Connor, Patten, Powers, Root, Ross, Scallon, Selway, Shaw, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker, Seidler.—53.

Noes—None.

Absent and not voting: Barbour, Bennetts of Silver Bow, Blake, Brownlee, Campbell, Cameron, Fischer, Griffin, Harden, Kroger, Leighton, Logan, Marshall, Miller of Lewis and Clark, Morris, McDonald, Potter, Sherman, Tudor, Walker.—20.

Title agreed to.

Senate Bill No. 135, having been read three several times, was concurred in by the following vote:

Ayes: Allen, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Burke, Cameron, Cato, Corby, Cluston, Cutler, Duncan, English, Fischer, Greene, Gray, Hess, Hyndman, Kirwan, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McDonald, McManus, Macaulay, O'Connor, Powers, Root, Ross, Seidler, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Tudor, Weed, Wendel, Whiteside, Wilham, Mr. Speaker.—47.

Noes:—Beckwith, Bennett of Madison, Blake, Cummings, Decker, Farmer, Goff, Griffin, Potter, Scallon, Selway, Warren.—12.

Absent and not voting: Barbour, Brownlee, Campbell, Gerber, Harbordt, Harden, Kroger, Leighton, Logan, Marshall, Towers, Walker, Wilder, Patten.—14.

Title agreed to.

Senate Bill No. 136, having been read three several times, was concurred in by the following vote:

Ayes: Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Cameron, Corby, Cummings, Cutler, Decker, Farmer, Gerber, Goff, Greene, Griffin, Hess, Hyndman,

Manchester, Maxwell, Miles, Miller of Park, Morgan, Morris, McManus, Macaulay, Patten, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Mr. Speaker.—48.

Noes: Gato, Cluston, Duncan, Fischer, Gray, Harbordt, O'Connor, Potter, Powers, Warren, Wilder, Wilham.—12.

Absent and not voting: Burke, Campbell, Harden, Kirwan, Kroger, Leighton, Logan, Marshall, Longstaff, Miller of Lewis and Clark, Moore, McDonald, English.—13.

Title agreed to.

Motion by Warren that further consideration of House Bill No. 151 be indefinitely postponed.

Roll called and motion lost by the following vote:

Ayes: None.

Noes: Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, Farmer, Fischer, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—64.

Absent and not voting: English, Gerber, Harden, Kirwan, Leighton, Logan, Marshall, McDonald, Root.—9.

The question recurring on the adoption of the amendments to House Bill No. 151, proposed by joint conference committee, the proposed amendments were adopted by the following vote:

Ayes: Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Duncan, Farmer, Fischer, Gerber, Goff, Greene, Gray, Griffin, Hess, Harbordt, Hyndman, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Potter, Powers, Root, Ross, Scallon, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—64.

Noes—None.

Absent and not voting: Decker, English, Harden, Kirwan, Leighton, Logan, Marshall, McDonald, Warren.—9.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 247, 255, Sub. for 299, 318, 319, 335, 337, 399, 415, 418, 420, have this day been concurred in by the Senate and are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has concurred in House amendments to Senate Bill numbered 102 and the same has been referred to Committee on Enrolled Bills.

Respectfully,

C. E. WIGHT, Secretary.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 412, Sub. for 414, 403 and 371, have this day been concurred in as amended by the Senate and are herewith returned to the House for concurrence in such amendments.

Respectfully,

C. E. WIGHT, Secretary.

The following Senate amendment to House Bill No. 412 was read:

"Amend by striking out all of line 6; and concurred in by the following vote:

Ayes: Allen, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Duncan, Farmer, Fischer, Gerber, Goff, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Moore, Morgan, Morris, McManus, Macaulay, O'Connor, Patten, Powers, Root, Scallon, Seidler, Selway, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Warren, Weed, Wendel, Whiteside, Wilder, Wilham, Mr. Speaker.—55.

Noes: Blake and Boorman.—2.

Absent and not voting: Barbour, Brewster, Decker, English, Greene, Harden, Kirwan, Leighton, Logan, Marshall, McDonald, Potter, Ross, Shaw, Tudor, Walker.—16.

MOTIONS AND RESOLUTIONS.

Whiteside moved the adoption of the following resolution:

Resolved, that it is the sense of this House that all violators of the law in the misuse of public funds should be prosecuted to the fullest extent of the law regardless of their political affiliations, such action being necessary to conform to the demands of the people as expressed in the last republican state platform as follows:

"We are opposed to the use of public moneys for private gains, which is forbidden by our Constitution, and by public rights as well, and we demand that all sums which may have been obtained by private individuals out of the unlawful use of the public funds be recovered for the State. And we insist upon the passage of such legislation as may be required to prevent such misuse of public funds."

Also, as expressed in the last democratic state platform as follows:

"We demand that the attorney general of the state bring action against any State Treasurer who may have violated the provisions of the Constitution prohibiting the making of profit out of public money."

Motion by Corby that the motion of Whiteside be laid on the table.

Roll called and motion to lay on the table was lost by the following vote:

Ayes: Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Boorman, Brownlee, Campbell, Corby, Decker, English, Farmer, Greene, Manchester, Maxwell, Moore, Macaulay, Potter, Root, Ross, Selway, Shaw, Towers, Tudor, Weed, Wendel.—26.

Noes: Blake, Blewett, Brewster, Burke, Cameron, Cato, Cluston, Cummings, Cutler, Duncan, Fischer, Gerber, Goff, Griffin, Harbordt, Hess, Hyndman, Kroger, Longstaff, Miles, Miller of Lewis and Clark, Miller of Park, Morris, McManus, O'Connor, Powers, Scallon, Seidler, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Walker, Warren, Whiteside, Wilder, Wilham, Mr. Speaker, Patten.—39.

Absent and not voting: Gray Harden, Kirwan, Leighton, Logan, Marshall, Morgan, McDonald.—8.

The vote recurring on the original motion of Whiteside, the roll was called and motion lost by the following vote:

Ayes: Blewett, Burke, Cato, Cluston, Cutler, Duncan, Fischer, Gerber, Goff, Gray, Kirwan, Longstaff, Miles, Miller of Lewis and Clark, Miller of Park, McManus, O'Connor, Powers, Scallon, Sherman, Swindlehurst, Warren, Whiteside, Wilder, Wilham.—25.

Noes: Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blake, Boorman, Brewster, Brownlee, Campbell, Cameron, Corby, Cummings, Decker, English, Farmer, Greene, Harbordt, Hess, Hyndman, Kroger, Manchester, Maxwell, Moore, Morris, Macaulay, Patten, Potter, Root, Ross, Seidler, Selway, Shaw, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Weed, Wendel, Mr. Speaker.—41.

Absent and not voting: Griffin, Harden, Leighton, Logan, Marshall, Morgan, McDonald.—7.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 99, 98, 125, 117, 128, and 130, and signed the same in the presence of the House.

The following Senate amendments to Substitute for House Bill No. 414 were read:

Amend Section 3 by striking out in line 4 the word "thirty" and inserting in lieu thereof the word "twenty".

Amend Section 3 by striking out in line 5 the words "and profits".

Amend Section 3 by striking out the last ten lines of said Section.

Amend by inserting the following: "Section 7. The provisions of this Act shall apply only to banking corporations organized under the laws of this State.

Number Section 7 as Section 8, and Section 8 as Section 9.

The above Senate amendments to Substitute for House Bill No. 414 were concurred in by the following vote:

Ayes: Allen, Barbour, Beckwith, Bennett of Madison, Bennetts of Silver Bow, Blewett, Boorman, Brewster, Brownlee, Burke, Campbell, Cameron, Cato, Corby, Cluston, Cummings, Cutler, Decker, Duncan, English, Farmer, Gerber, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Longstaff, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Moore, Morgan, Morris, Macaulay, Patton, Potter, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Swindlehurst, Thompson of Sanders, Thompson of Fergus, Towers, Tudor, Walker, Warren, Weed, Wendel, Wilder, Wilham, Mr. Speaker, Miller of Park.—59.

Noes: Kirwan.—1.

Absent and not voting: Blake, Fischer, Goff, Greene, Harden, Leighton, Logan, Marshall, McDonald, McManus, O'Connor, Scallon, Whiteside.—13.

The following Senate amendments to Substitute for House Bill No. 371 were read:

Amend Section 2, line 4, by striking out after the word "buffalo" the words "antelope or beaver", and insert in lieu thereof the following "or more than one antelope which can be killed only between September 1 and December 1"; and by striking out all of lines 7, 8, 9, 10 and 11, after the word "imprisonment" in line 7.

The above Senate amendments to House Bill No. 371 were concurred in by the following vote:

Ayes: Allen, Beckwith, Bennetts of Silver Bow, Boorman, Brewster, Brownlee, Campbell, Cato, Corby, Cluston, Cummings, Cutler, Duncan, Farmer, Goff, Griffin, Harbordt, Hess, Hyndman, Kroger, Longstaff, Manchester, Miles, Moore, Macaulay, O'Connor, Patten, Selway, Sherman, Swindlehurst, Thompson of Sanders, Walker, Wilder, Mr. Speaker, Towers.—35.

Noes: Blewett, Cameron, Gerber, Greene, Gray, Kirwan, Maxwell, Miller of Lewis and Clark, Miller of Park, Morgan, Morris, McManus, Potter, Powers, Ross, Thompson of Fergus, Tudor, Warren, Weed, Wendel.—20.

Absent and not voting: Barbour, Bennett of Madison, Blake, Burke, Decker, English, Fischer, Harden, Leighton, Logan, Marshall, McDonald, Root, Scallon, Seidler, Shaw, Whiteside, Wilham.—18.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrolling report the following Bills as correctly enrolled this 7th day of March, 1907:

House Bill No. 195. An Act to amend Section 1000 of the Civil Code of the State of Montana, as amended by an Act of the Ninth Legislative Assembly of Montana, approved March 2d, 1905."

Motion by Gray that the House request the Senate to recede from their action in indefinitely postponing all Bills in the hands of its committees, insofar as House Bills 347 and 356 are concerned, now in the hands of the Steering Committee, and direct said committee to report the Bill to the Senate. Motion carried.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that further consideration of House Bills Nos. 54 and 363 having been indefinitely postponed in the Senate, the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that H. B.

423 was read first time in the Senate and further consideration was indefinitely postponed. Bill is herewith returned.

Respectfully,

C. E. WIGHT, Secretary.

Executive Office, Helena, Montana, March 7, 1907.

To the Speaker of the House of Representatives, Helena, Montana.

The following House Bills have been approved and deposited with the Secretary of State:

No. 250. An Act to amend an Act creating the office of coal mine inspector, etc.

No. 267. An Act providing for the establishment of wash houses at coal mines, etc.

No. 305. An Act to provide for an additional Judge for the Fourth Judicial District, etc.

No. 309. An Act regarding the organization, management, control and discipline of police departments of cities and towns, etc.

No. 364. An Act to pay employees of the Senate and House, etc.

No. 422. An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Tenth Legislative Assembly.

No. 89. An Act relating to extortion, etc.

No. 166. An Act regulating the sale of merchandise in bulk, etc.

No. 170. An Act to authorize the establishment of a sub-station at the Montana Agricultural College for experiments in horticulture, etc.

No. 268. An Act relating to county teachers' institutes, etc.

No. 296. An Act relating to the State Examiner's office and fund.

No. 350. An Act appropriating money to pay Dr. G. H. Putney.

No. 367. An Act relating to meetings of stockholders, etc.

No. 411. Appropriation for women's building at penitentiary.

Sub. for No. 10. An Act to provide further regulations for the safe keeping of funds in the hands of the State Treasurer, etc.

Sub. for No. 310. An Act relating to the use of fictitious names, etc.

No. 324. An Act to establish a state livestock sanitary board, etc.

J. K. TOOLE, Governor.

Helena, Montana, March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform the House that the report of the Conference Committee on H. B. 151 has been adopted by the Senate.

C. E. WIGHT, Secretary.

Gray moved that the House request the Senate to recede from its position in not placing on General Orders House Bill No. 120, and to ask the Steering Committee to place same on file at once on General Orders. Motion carried.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following Bills as correctly enrolled this 7th day of March, 1907:

House Bill No. 405. An Act to establish a sub-experimental station in Fergus County, Montana, and providing for the acquisition or acceptance of

title to the land for the same and the direction thereof, and appropriating money therefor.

House Bill No. 256. An Act to amend Section 1 of an Act entitled, "An Act to provide the conditions upon which foreign corporations may do business in this state and to repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana," approved March 9, 1901; and to add subdivision 7 to said Section 1, providing for the filing of alterations and amendments to the Charter or articles of incorporation of foreign corporations, and for the filing of certificates of increase of capital stock or continuance of corporate existence, and for the payment of fees therefor.

House Bill No. 329. An Act to regulate the appropriation of water in streams in which the rights therein have been adjudicated.

House Bill No. 413. An Act making appropriations for the State Institutions of Montana for the period ending February 28, 1908, and February 28, 1909.

Mr. Speaker announced that he was about to sign House Bills Nos. 405, 256, 329, and 413, and signed the same in the presence of the House.

Allen, from the Committee on Ways and Means, reported as follows:

Helena, Montana, March 7, 1907.

Mr. Speaker:

We, your Committee on Ways and Means, to which was referred Senate Joint Resolution No. 6, beg leave to report the same back with the recommendation that it be not concurred in.

Report adopted.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

March 7, 1907.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate on motion refused to consider the House resolution in regard to H. R. 120.

Respectfully,

C. E. WIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 7th day of March, 1907.

House Bill No. 247. An Act to provide for the admission of mutual hail, cyclone and tornado insurance companies or associations organized under the laws of another state.

House Bill No. 319. An Act concerning the jurisdiction of District Courts and to amend Section 39 of the Code of Civil Procedure of the State of Montana.

House Bill No. 412. An Act appropriating money to defray the expenses of a joint committee appointed to investigate the state prison at Deer Lodge.

House Bill No. 399. An Act to provide for the sale of all lands acquired

by the State of Montana, under and by virtue of the provisions of Chapter 118, Session Laws of 1903.

House Bill No. 420. An Act prohibiting the publication in newspapers, other papers, or otherwise, of offensive, improper and obscene advertising or other matter, and providing for prosecutions and penalties.

House Bill No. 318. An Act concerning bonds, recognizances, and written undertakings entered into or taken by an officer.

Also:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 7th day of March, 1907:

Substitute for House Bill No. 299. An Act authorizing the state board of stock commissioners to collect for live stock killed by the operations of railroads within this state where the owner has not asserted or presented claim therefor to the railroad company.

House Bill No. 308. An Act providing for the initiative and referendum in cities and towns.

House Bill No. 306. An Act to provide for the appointment of a state board of voting machine commissioners, defining their duties, powers and expenses thereof and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana.

House Bill No. 255. An Act to amend Section 363 of the Penal Code of the State of Montana, relating to verdicts and judgments in cases of murder.

House Bill No. 337. An Act to amend Section 4756 of the Political Code, relating to officers of elections, places of voting and election districts, and election matters in municipal corporations.

House Bill No. 415. An Act to amend Section 443 of the Political Code of Montana, relating to bonds to be given to the State Treasurer.

House Bill No. 335. An Act to amend Section 1763 of Chapter II, Title XIII, Part II, of the Code of Civil Procedure of the State of Montana, relating to appeals to District Courts.

Mr. Speaker announced that he was about to sign House Bills Nos. 247, 319, 412, 399, 420, 318, 299, 308, 306, 255, 337, 415 and 335, and signed the same in the presence of the House.

COMMUNICATIONS AND PETITIONS.

Executive Office, Helena, Montana, March 7, 1907.

To the Speaker of the House of Representatives, Helena, Montana:

The following House Bills have been approved and deposited with the Secretary of State:

No. 18. An Act to amend Section 770 of the Penal Code relating to the safe keeping and distribution of public moneys.

No. 194. An Act appropriating money for the restoration and maintenance of Old Fort Benton.

No. 195. An Act to amend Section 1000 of the Civil Code as amended by an Act of the Ninth Legislative Assembly.

No. 227. An Act to amend Section 411 of the Civil Code, relating to the making and filing of articles of incorporation of domestic corporations.

No. 257. An Act for the submitting to the qualified electors of the

State an amendment to Article XII of the Constitution, relating to revenue and taxation.

No. 200. An Act to amend Section 10 of Article 2 of Chapter 106 of the Laws of 1905, and providing when the fee of lands necessary to be taken for drains shall vest.

No. 312. An Act to amend Section 654 of the Political Code, relating to the sale of poisons.

No. 402. An Act appropriating money for the repairing of the roof of the State Arsenal.

No. 404. An Act to provide that the national flag be unfurled, displayed and kept floating upon the grounds of the State Capitol and authorizing and directing the Secretary of State to have erected a suitable flagstaff.

J. K. TOOLE, Governor.

A Committee from the Senate, consisting of Everett, Miles and Long, presented itself at the bar of the House and notified the House that the Senate had completed its business.

REPORTS OF STANDING COMMITTEES.

Harden, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 7th day of March, 1907:

House Bill No. 418. An Act to repeal Sections 2990, 3016, 3046 and 3076 of the Political Code, and all acts amendatory of, or supplementary to said sections which provide for special taxes on cattle, horses, mules, asses and sheep.

Substitute for House Bill No. 414. An Act relating to banks and banking corporations and to trust deposit and security and savings bank corporations and repealing Section 4061 of the Political Code of Montana relating to licenses.

Substitute for House Bill No. 271. An Act to amend Section 2 of Chapter 52 of the Laws of 1905, relating to the protection of birds, fish, fur bearing animals and game.

House Bill No. 403. An Act to protect the traveling public from being compelled to eat adulterated food stuffs served in hotels, restaurants and boarding houses in the State of Montana, without having due notice thereof.

Also:

Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this 7th day of March, 1907:

House Bill No. 151. An Act providing regulations for saloons, and prohibiting wine rooms in or in connection with saloons, prohibiting the frequenting of wine rooms by females, or the admission of females to wine rooms, and prohibiting females being in saloons for the purpose of being supplied with liquor, and prohibiting certain signs in connection with saloons and providing for the enforcement of this Act and penalties for its violation.

House Bill No. 409. An Act making appropriations for the executive and judicial departments of the state government for two years, namely,

from February 28, 1907, to February 28, 1908, and from February 28, 1908, to February 28, 1909.

Mr. Speaker announced that he was about to sign House Bills Nos. 418, 403, 151, 409, Sub. for House Bill No. 414, and Sub. for H. B. No. 371, and signed the same in the presence of the House.

MOTIONS AND RESOLUTIONS.

By Miller of Park:

"I move that the Speaker appoint a committee of three to wait upon the Senate and inform that body that the House of Representatives of the Tenth Legislative Assembly has completed its business and is about to adjourn sine die; also that the Speaker appoint a similar committee of three to wait upon his Excellency, the Governor, and inform him that the House has completed its business and is now about to adjourn sine die, and to request him for any further communications which he may have to offer."

Motion carried, and the Speaker appointed Miller of Park, Shaw and Decker as such Committee to wait upon the Senate and inform it that the House was ready to adjourn; and Swindlehurst, Farmer and Cluston as Committee to notify the Governor that the House was ready to adjourn.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 135, 102, 88, 136, 131, 47, and 53, and signed the same in the presence of the House.

Miller of Lewis and Clark offered the following Resolution:

"RESOLVED: That the action of the attorney general in bringing suits against the various state treasurers and their bondsmen, in the interest of the state, be endorsed by the House of Representatives of the Tenth Legislative Assembly."

Roll was called and resolution adopted by the following vote:

Ayes.—Allen, Bennetts of Silver Bow, Boorman, Brownlee, Campbell, Cameron, Cato, Cluston, Cummings, Cutler, Duncan, English, Gerber, Goff, Greene, Gray, Griffin, Harbordt, Hess, Hyndman, Kroger, Manchester, Maxwell, Miles, Miller of Lewis and Clark, Miller of Park, Morgan, Macaulay, O'Connor, Potter, Powers, Root, Ross, Seidler, Selway, Shaw, Sherman, Thompson of Fergus, Tudor, Walker, Weed, Wendel, Whiteside, Wilder, Mr. Speaker, Kirwan.—46.

Noes.—None.

Absent and not voting.—Barbour, Beckwith, Bennett of Madison, Blake, Blewett, Brewster, Burke, Corby, Decker, Farmer, Fischer, Harden, King, Leighton, Logan, Longstaff, Marshall, Moore, Morris, McDonald, McManus, Patten, Scallon, Swindlehurst, Thompson of Sanders, Warren, Wilham.—27.

Swindlehurst offered the following resolution:

Whereas, the Hon. E. W. King in his position as Speaker of the House, has been unfailing in his courtesy to the minority Representatives; and

Whereas, he has at all times been fair in his rulings and at no time has failed to arise above partisanship;

Therefore Be It Resolved: That the minority Representatives express to him their appreciation and approval.

Resolution adopted.

Whiteside offered the following resolution:

Resolved: That the thanks of the House be extended to the Speaker, the Chief Clerk, the Assistant Clerks and the Sergeant at Arms, and all the employees of the House for their faithfulness, industry, fidelity and unfailing courtesy to all the members, and the Speaker is especially thanked for his uniform fairness, impartiality and consideration toward the whole House, and particularly toward the minority.

Motion put by the mover, and carried unanimously by rising vote.

Miller of Park reported that the Committee appointed to notify the Senate that the House was ready to adjourn, had performed its duty.

Swindlehurst reported that the Committee had notified the Governor that the House was ready to adjourn.

On motion of Miller of Park the House adjourned sine die.

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

We hereby certify that the foregoing consisting of pages one to five hundred inclusive in Book No. 1, and pages one to one hundred twenty-three in Book No. 2, constitutes and is the Journal of the House of the Tenth Legislative Assembly of the State of Montana.

Attest:

E. W. KING, Speaker.

CHAS. B. GIBBS, Chief Clerk.

